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Courts' Refusal to Hear Prisoner's Cellmates Evidence – Breach Of Article 6

In Chamber judgment in the case of Kartvelishvili v. Georgia (application no. 17716/08) the European Court of Human Rights held, unanimously, that there had been: a violation of Article 6 §§ 1 and 3 (d) (right to a fair trial and right to obtain attendance and examination of witnesses) of the European Convention on Human Rights. The case concerned a penknife found during a search of Mr Kartvelishvili's cell while he was serving a nine-year sentence for murder. He was convicted of infringing prison regulations and sentenced to a further three years in prison essentially on the basis of statements by prison officers who had carried out the search. The courts refused Mr Kartvelishvili's requests to have his cellmates, who were present during the search, called as witnesses in the proceedings.

The Court found in particular that Mr Kartvelishvili had made a perfectly reasonable challenge to what was actually only an assumption that he had been in possession of an illicit object in prison. However, the courts had refused to even consider the relevance of his cellmates' testimony mainly because they considered them to be untrustworthy. The Court considered that justification inadequate, all the more so given the inconsistencies in the prison officers' statements and other evidence used to convict him. The proceedings had therefore as a whole been unfair.

The applicant, Giorgi Kartvelishvili, is a Georgian national who was born in 1978 and lives in Tbilisi. Mr Kartvelishvili was convicted in October 2000 of murder and sentenced to nine years' imprisonment. While serving his sentence, he was also convicted of possessing a penknife, which was prohibited under prison regulations, and sentenced to a further three years in prison. Mr Kartvelishvili's conviction was based on statements by prison officers who said that they had found the penknife in his bed when searching his cell, a video-recording of the search and a written record of the search and seizure of the knife. Before the domestic courts he challenged the search and the assumption that the knife was necessarily his, suggesting that it could have been planted. In order to clarify the matter, he requested that the courts hear his cell mates who had been witnesses to the search. However, the courts refused to examine the men, whom they considered to be untrustworthy as they had criminal convictions, and on appeal increased his sentence to four years. The Supreme Court ultimately rejected his appeal on points of law as inadmissible in February 2008.

The Court considered that Mr Kartvelishvili's request to have his cellmates examined before the domestic courts had been a perfectly reasonable attempt to challenge the assumption that he had been in the possession of an illicit object in his prison cell. That was particularly so given the inconsistencies in the proceedings as a whole. First, the prison officers who had carried out the search of Mr Kartvelishvili's cell had given different accounts as to how the penknife had been discovered, stating that it had been found between the mattress and the blanket, between the mattress and the sheet or that it had simply fallen onto the floor when they had removed the mattress from the bed. Similarly, there had been a contradiction between the video recording, which when viewed did not clearly show whether the knife had fallen from the mattress, and the written report, which stated that it had been found "under the mattress on a bed". Even the public prosecutor himself had conceded during the trial that the video recording had not clearly established whether the penknife had been found in Mr Kartvelishvili's bed. Despite those inconsistencies, the courts refused to hear Mr Kartvelishvili's cell mates because they were untrustworthy, grounds which the Court considered inadequate. Indeed, such a justification was a negation of a criminal court's duty to conduct a trial free from any preconceived idea of the accused's guilt and, in the event of doubt, to always decide in that person's favour. Mr Kartvelishvili had thus been stripped of the only opportunity to challenge effectively the backbone of the accusation put forward against him. The remaining evidence, the video-recording and the written record of the search and seizure, had not provided additional, stand-alone direct evidence to conclusively prove Mr Kartvelishvili's guilt. The domestic courts' refusal to examine witnesses for the defence, without any regard to the potential relevance of their testimony, had therefore rendered the trial as a whole unfair, in violation of Article 6 §§ 1 and 3 (d). Just satisfaction (Article 41): The Court held that Georgia was to pay Mr Kartvelishvili 2,500 euros (EUR) in respect of pecuniary damage, and EUR 300 in respect of costs and expenses.

MoJ to Review Use of Pain-Inducing Restraint on Young Offenders

Eric Allison and Simon Hattenstone, Guardian: The Ministry of Justice is launching a review of the use of pain-inducing restraint across all child prisons and escorting procedures after a children's charity threatened legal action. MoJ figures show there were 97 incidents last year in which young offenders showed signs of asphyxiation or other danger signs after being restrained, and four serious physical injuries that resulted in hospitalisation. The charity Article 39 threatened legal action over authorisation for escort officers from the contractor GEOAmey to use pain-inflicting restraint techniques on children as young as 10 when escorting them to and from secure children's homes. Such techniques are banned in secure children's homes themselves but can be used in secure training centres (STCs) and young offender institutions (YOIs).

Article 39, the Equality and Human Rights Commission, the Children's Commissioner for Wales and others have urged the MoJ to banish pain-inducing techniques across the children's secure estate. In a letter to the shadow children's minister, Emma

Lewell-Buck, the youth justice minister, Phillip Lee, said that in limited circumstances the use of pain-inducing techniques in YOIs and STCs may be necessary and proportionate to protect a child or others from an immediate risk of serious physical harm. Lee said the MoJ would carry out a full assessment of the use of pain-inducing techniques across the youth penal estate and in the escort environment. He said the review was expected to take 12 months to complete.

In 2012 the government introduced new guidelines on minimising and managing physical restraint (MMPR) for both children and adults. In 2015 the Guardian revealed that an internal risk assessment of restraint techniques had found that certain procedures approved for use against non-compliant children in custody carried a 40-60% chance of causing injuries affecting the child's breathing or circulation, the consequences of which could be "catastrophic". The MoJ's youth justice statistics bulletin in January said there was a 7% decrease in the number of children in custody last year and a 5% increase in the use of force against them by staff. A third of the approved MMPR methods are pain-inducing. Publicly available copies of the instructor training manual depicting the techniques contain 182 redactions. Article 39 has been engaged in a protracted legal dispute with the MoJ to bring this material into the public domain.

In a recent parliamentary answer to a question tabled by Lewell-Buck, Lee confirmed that the organisations charged with investigating claims of abuse arising from the use of restraint, such as the prisons and probation ombudsman, would not be given access to the MMPR manual. Lewell-Buck responded: "How on earth can anyone know if the rules have been broken if they don't know what the rules are? If this abuse was happening in, say, care homes for

the elderly, it would be a national scandal. But nobody seems to care about these children."

Article 39's director, Carolyne Willow, said the review was a welcome development but she feared that many in the prison and security sectors would defend the status quo. "Prisons remain the only institutions where the deliberate infliction of pain on children is sanctioned. It will be up to all of us who work with and for children to reassure ministers that institutions can be run safely without the threat or imposition of pain," she said. An MoJ spokesman said: "Staff are trained to resolve conflict verbally and we are clear that restraint should only be used as a last resort where there is a risk of harm to self or others, and no other form of intervention is possible or appropriate. We are undertaking a review of our approach to ensure it remains appropriate for the youth estate and in line with the latest research."

Anti-Terrorism Plans 'Will Make Thoughtcrime A Reality'

Peter Walker, Guardian: Anti-terrorism proposals have been unveiled by the UK government that would make it an offence for people to publicly support a banned group even if they did not encourage others to do so. The move has prompted the human rights group Liberty to accuse the government of trying to "make thoughtcrime a reality". Liberty said it was alarmed at the plans to amend existing offences under the planned counter-terrorism and border security bill, details of which were announced on Wednesday. Fact sheets about the bill, published on the Home Office website, explained – said the director of public prosecutions, Alison Saunders – the need to "adapt to combatting the threat from international terrorism in a modern digital world". The proposed amendments making it easier to target people who support proscribed groups such as Islamic State would include a potential offence of displaying an associated flag or item of clothing.

A key change would be the illegality of making statements supporting a terrorist group while "being reckless as to whether others will be encouraged to support the organisation". Prosecutors would not have to prove the statements had actually had a recruiting effect on others. The fact sheet on the subject anticipates possible objections, such as interference with freedom of speech. It stresses that it would not be "unlawful to hold a private view in support of a terrorist organisation", only to "recklessly express those views, with the risk others could be influenced". The fact sheet says: "It is right to criminalise those who make clear expressions of support for terrorist organisations, and who are reckless as to whether that will encourage others to support the organisation. "This type of activity can lead to a real risk of harm to the public. We believe that radicalisation, be it deliberate or reckless, should be illegal, in order to stop support for these groups and to protect the public." Other proposals include one to make it clear in law that it would be an offence to view terrorist material online three or more times, or to communicate banned material to someone who does not understand they are being incited, such as a child or vulnerable person.

Rachel Robinson, Liberty's policy manager, said: "Blurring the boundary between thought and action by locking people up simply for exploring ideas undermines the foundations of our criminal justice system," she said. "Terrorists' primary goal is to undermine our freedom. With proposals like this, the government risks giving them exactly what they want." Planned changes include amending the crime of collecting information likely to be useful to a terrorist, to cover repeated viewing or streaming of material online; increasing to 15 years the maximum jail term for "preparatory" crimes such as collecting terrorist information or encouragement of terrorism; and increasing from two to five years the maximum period that fingerprints and DNA samples may be retained on national security grounds where a person has not been convicted of an offence.

Ken Clarke Demands Judicial Inquiry Into Torture and Rendition

Former Justice Secretary, Ken Clarke, has called on the Prime Minister to set up an independent, judge-led inquiry into the UK's role in torture and rendition – in the wake of her apology to torture victims. Former Prime Minister, David Cameron, promised an inquiry as one of his first acts in the post in 2010 but the plans were shelved two years later by Mr Clarke who was then the Justice Secretary, citing ongoing police investigations. The Times reports that he now regrets that decision and has written to Theresa May - along with 13 other MPs and peers including Crispin Blunt, Lord Dubs and Alistair Carmichael - to demand an independent judge is now appointed. This comes less than five weeks after the Prime Minister issued an unprecedented apology to Abdul-Hakim Belhaj and Fatima Boudchar for the UK government's role in their rendition and torture in a joint UK-US operation in 2004. Maya Foa, director of Reprieve said: "The only way for the UK to regain moral authority on this issue is to fully examine and expose past wrongs. "David Cameron promised to establish a judge-led inquiry once police investigations had concluded. The Prime Minister's unreserved apology to Abdul-Hakim Belhaj and Fatima Boudchar last month means that moment has now arrived and Ken Clarke and his colleagues are right to call on Theresa May to keep the government's promise."

'Same Roof' Victim Compensation Rule Faces Legal Challenge

A woman sexually abused by her stepfather between the ages of four and 16 is challenging a law which stops victims of crime who lived under the "same roof" as their attacker prior to 1979, from receiving compensation. Her case is brought in courts covering England and Wales. There are separate challenges against the so-called "same roof rule" in Scotland and Northern Ireland. The Independent Inquiry into Child Sexual Abuse wants the rule scrapped. The Ministry of Justice says rules were changed in October 1979 so that any future child victims of domestic crimes can claim compensation, but the changes are not retrospective.

From the age of four until she was 16 the childhood of the woman, known for legal reasons as JT, was one of almost unimaginable suffering at the hands of her stepfather. Finally, in her 40s, JT found the courage to go to the police. In 2012 her stepfather faced justice. JT was the main witness at his trial, where he was convicted of eight offences including rape and sexual assault and jailed for 14 years. But when she applied for compensation under the Criminal Injuries Compensation Scheme, which provides state-funded compensation to victims of violent crime, she was refused. The problem was the "same roof rule" which says that compensation will not be paid if, prior to 1979, the victim and the assailant were living together as members of the same family at the time of the attack.

10 Prisons in Special Measures June 2018

To ask the Secretary of State for Justice, which prisons were in special measures as of 1 June 2018; and for what reason each of those prisons was put in special measures.

Prisons are selected for special measures in line with the Prisons Directorate Performance and Assurance Framework. Special measures means HM Prisons and Probation Service has determined it needs additional, specialist support to improve performance. Decisions are made based on a combination of data, management information, judgement from operational managers and in the case of Urgent Notification, HMIP recommendations.

The following prisons were in special measures 1st June 2018: Bedford, Bristol, Chelmsford, Guys Marsh, Lewes, Liverpool, The Mount, Nottingham, Wandsworth, Winchester, and Wormwood Scrubs

Prisons: Women with Dependants

Baroness Fall: To ask Her Majesty's Government what percentage of women in prison have dependants under 16 years old; and what is the average length of stay in prison for such women.

Baroness Vere of Norbiton (Con): My Lords, we recognise the significant impact that the imprisonment of a parent has on their children. Approximately 60% of women in custody have children but we do not collect data on the age of the child or whether they were dependants at the time of the mother being taken into custody. The average length of stay for women in prison recorded as having children is 1.5 years, versus 2.6 years for women not recorded as having children.

Baroness Fall (Con): I thank the Minister for her reply but is it not the case that we have more women going to prison, the vast majority of them for non-violent offences and many of whom have dependants? These children are being sent out of their homes to stay with relatives or into the care system. The cost of these broken homes to the children and to society as a whole should surely be of concern to us all. I urge the Minister to reflect on more family-friendly policies in future.

Baroness Vere of Norbiton: My Lords, as at 8 June there were 3,886 women in custody. That is approximately 5% of the total prison population, and that figure has remained relatively stable over recent years. So it is not the case that there are more women in prison, but it is true that most—73%—are there for non-violent crimes. When an offender gets to the court they are asked whether they have dependent children and, if they do, that is taken into account in sentencing.

Baroness Vere of Norbiton: I thank the noble Lord for his question. It is of course our aim to provide the best rehabilitative regimes, specifically tailored to women's needs. To that end, the noble Lord is quite right that we have a female offenders strategy in progress at the moment. The department is working very hard on it and it will be published as soon as we are able.

Lord Trefgarne (Con): My Lords, is it not the case that there are a number of women who have been sent to prison for very modest offences—for example, not paying their TV licence—and their three or four children have then been taken into care?

Baroness Vere of Norbiton:My noble friend raises a number of complex issues. I shall address the issue of TV licences because this is very important: 109,000 women are given a fine for not paying their TV licence, versus 42,000 men. It is not the case that they are then put in prison for not paying the TV licence; that happens occasionally if they do not pay the fine, and many poor decisions have to be taken in order for them to go to prison. I agree, though, that it is wrong that more women than men are being given fines for this offence, and we know that the BBC will be updating the Public Accounts Committee on this issue very soon.

Lord Bishop of Ely: My Lords, the MoJ has produced clear evidence that women's centres are effective at reducing reoffending, provide joined-up community services to support physical and mental health needs and give more opportunities to women to have access to their children. What assessment does the Minister make of the need for increased funding to sustain and open more women's centres?

Baroness Vere of Norbiton: My Lords, women's centres and women's services in general play an incredibly important role in supporting female offenders, many of whom have hugely complex needs. Over 50% of female offenders were abused as children and 60% experience domestic abuse in their lifetime. I think noble Lords will all agree that female offenders are on average potentially more complex than male offenders and need a wide variety of well-funded support.

Lord Beecham (Lab): My Lords, 17,000 children are affected by their mother going into prison and only 50% of them stay in the home where their mother was. Moreover, one in four women sentenced to imprisonment serves only 30 days. Is it not time that the Government and the judiciary looked at the effectiveness of imprisonment for these women, taking into

account the fact that there are only 12 women's custodial establishments? This puts a further geographical distance between the child and the mother. Can the Minister assure us that the Government will act to rectify these difficulties?

Baroness Vere of Norbiton: The noble Lord will have seen recently that the Lord Chancellor is focusing on short custodial sentences for both women and men. It is important that we increase the confidence of judges and magistrates in community sentences. We are working hard to improve this. The noble Lord is right to say that there are 12 female prisons across the country. The average distance from home for female prisoners is currently 54 miles—down from 68 miles in 2016. We are making progress and some of those numbers will be boosted by certain offenders needing to be far away from home to access specific services, such as psychological services.

Baroness Burt of Solihull (LD): My Lords, the Howard League for Penal Reform recently found that only 5% of children whose mothers are sent to prison remain in their home. I wonder who is being punished here. Will the Minister take back to this long overdue strategy for female offenders a presumption against prison for short-term sentencing of women?

Baroness Vere of Norbiton: My Lords, there is already a presumption against short-term sentencing. Custody is imposed only when an offence is so serious that only custody is merited. We are looking at how we can strengthen this particular guideline. Families as a whole play a very important part in a child's upbringing so of course we must look at getting rid of short sentences for women, but we must also look at getting rid of them for men too.

Lord Harris of Haringey (Lab): My Lords, 94—or maybe 96—women have died in prison since my noble friend Lady Corston's report was published. This recommends precisely what the Minister has just talked about—that custodial short sentences for women should be stopped and phased out. Has the Minister read the recent report from Inquest on the deaths of those women? How often in the last year have Ministry of Justice Ministers met the families of those who have died in prison?

Baroness Vere of Norbiton: If the noble Lord is happy for me to do so', I will write to him with the information he requested. Unfortunately, I have not had the opportunity to read the report he mentioned, but I certainly will do. Female suicide is a very serious and tragic issue. Thankfully, we have had just one death in custody in the last 12 months; in the previous year it was 10. However, we are talking about a smaller number of female prisoners as a whole. There is also the issue of self-harm. Women are five times more likely than men to self-harm in prison. We are well aware of this and are doing whatever we can to make sure that they are protected.

MPs and Peers Call For Judge-Led Inquiry Into UK Rights Abuses

Ian Cobain, Guardian: An all-party group of MPs and peers has written to Theresa May demanding a judge-led inquiry into the UK's role in human rights abuses since September 11. Denouncing what they described as "Britain's disgraceful involvement in rendition and torture", the group said this was the only way to establish the truth about who was responsible for abuses. The all-party parliamentary group on extraordinary rendition, led by Ken Clarke, is made up of five Conservatives, four Liberal Democrats and three Labour MPs and peers, plus two crossbenchers, one of them the former Lord Speaker Lady D'Souza. They have made the letter to the prime minister public weeks before the intelligence and security committee (ISC) publishes two reports on rendition after an investigation lasting more than four years.

Last month, Theresa May publicly apologised for Britain's involvement in a 2004 rendition operation in which MI6 assisted with the kidnap of Abdel Hakim Belhaj, an opponent of Muammar Gaddafi. Belhaj was flown to Tripoli along with his pregnant wife, Fatima Boudchar. David Cameron estab-

lished an inquiry led by a former appeal court judge shortly after the 2010 general election. Sir Peter Gibson's work was suspended after Scotland Yard opened a criminal investigation into the rendition of Belhaj and Boudchar, and the matter was handed to the ISC. The police investigation ended with the Crown Prosecution Service deciding there was insufficient evidence to prosecute the prime suspect, Sir Mark Allen, a former head of counter-terrorism at MI6. In their letter, the parliamentarians noted the CPS had accepted Allen sought political authority for some of his actions, and said this indicated "that further investigation is needed into the involvement of ministers, civil servants and other government officials in the renditions".

"A judge-led inquiry is now the only way to establish the truth, ensure that lessons are learned and to restore public confidence in our intelligence and security services," they wrote. The ISC sent two reports to Downing Street last month. They are entitled Detainee Mistreatment and Rendition: 2001-2010, and Detainee Mistreatment and Rendition: Current Issues. They will be made public only in redacted form after May has consulted the intelligence agencies that are the subjects of the reports. The ISC's first report is expected to touch upon the rendition of Belhaj and Boudchar, but not examine that rendition operation in any detail. It is thought it will answer many of the 27 questions identified by Gibson when his inquiry was halted by the government in 2012.

In a report published in 2013, Gibson made it clear that documents he had read showed British intelligence officers continued to be involved in the interrogation of detainees, despite their mistreatment having been witnessed. He questioned whether the UK had "a deliberate or agreed policy" of turning a blind eye to the mistreatment of prisoners, and whether MI6 and MI5 were willing to "condone, encourage or take advantage of rendition operations" mounted by others. He also reported that the documents raised serious questions as to whether the ISC was at times kept in the dark about the mistreatment of detainees and the agencies' involvement in mistreatment. In 2007, the ISC published a report on rendition that the UK intelligence agencies claimed had given them "a clean bill of health" on detainee mistreatment. The ISC's second report is expected to contain a number of recommendations concerning the guidance paper intended to prevent UK intelligence officers from becoming embroiled in human rights abuses.

Known as consolidated guidance to intelligence officers and service personnel on the detention and interviewing of detainees overseas, the paper provides safeguards for people being held by foreign governments, from whom the UK is seeking information. The current version was rewritten and made public by the Tory-Lib Dem coalition government in 2010, after the Guardian highlighted a number of instances in which its previous version appeared to have resulted in detainees being tortured while being asked questions from MI6 and MI5. Last year, the intelligence services commissioner, Sir Mark Waller, reported that GCHQ had failed to consider the guidance paper on 35 occasions when it was passing on intelligence to a foreign partner, including eight in which the intelligence should not have been shared.

Thames Valley Police Officer Jailed For Biting Victim

A former Thames Valley police officer has been jailed for 22 months for assaulting a 29-year-old woman. It follows an incident in Banbury on 10 June last year where the officer, who was off-duty, grabbed and bit the victim's nose. Rebecca Barnett, 33, of Wood End, Banbury, pleaded guilty to one count of causing grievous bodily harm without intent. Judge Smith said the victim suffered an "appalling" injury. Barnett, who has been dismissed from the force, assaulted former friend Leanne Rawlins outside Easington Football Club. Ms Rawlins needed surgery to repair her nose and was left with permanent scarring

Romania Complicit In CIA Secret Detainee Programme

The case Al Nashiri v. Romania (application no. 33234/12) concerned the applicant's allegations that Romania had let the United States Central Intelligence Agency (the CIA) transport him under the secret extraordinary rendition programme onto its territory and had allowed him to be subjected to ill-treatment and arbitrary detention in a CIA detention "black site". He also complained that Romania had failed to carry out an effective investigation into his allegations. The applicant in the case, Abd Al Rahim Husseyn Muhammad Al Nashiri, is facing capital charges in the US for his alleged role in terrorist attacks.

In Chamber judgment! in the case the European Court of Human Rights held, unanimously, that there had been: violations of Article 3 (prohibition of torture) of the European Convention on Human Rights, because of the Romanian Government's failure to effectively investigate Mr Al Nashiri's allegations and because of its complicity in the CIA's actions that had led to ill-treatment; violations of Article 5 (right to liberty and security), Article 8 (right to respect for private life), and Article 13 (right to an effective remedy) in conjunction with Articles 3, 5 and 8, violations of Article 6 § 1 (right to a fair trial within a reasonable time), and Articles 2 (right to life) and 3 taken together with Article 1 of Protocol No. 6 (abolition of the death penalty) because Romania had assisted in Mr Al Nashiri's transfer from its territory in spite of a real risk that he could face a flagrant denial of justice and the death penalty.

The Court had no access to Mr Al Nashiri as he is still being held by the US authorities in very restrictive conditions so it had to establish the facts from various other sources. In particular, it gained key information from a US Senate report on CIA torture which was released in December 2014. It also heard expert witness testimony. The Court concluded that Romania had hosted a secret CIA prison, which had the code name, Detention Site Black, between September 2003 and November 2005, that Mr Al Nashiri had been detained there for about 18 months, and that the domestic authorities had known the CIA would subject him to treatment contrary to the Convention. Romania had also permitted him to be moved to another CIA detention site located either in Afghanistan (Detention Site Brown) or in Lithuania (Detention Site Violet), as found in another judgment delivered today Abu Zubaydah v. Lithuania, thus exposing him to further ill-treatment. The Court therefore found that Mr Al Nashiri had been within Romania's jurisdiction and that the country had been responsible for the violation of his rights under the Convention. It also recommended that Romania conclude a full investigation into Mr Al Nashiri's case as quickly as possible and, if necessary, punish any officials responsible. The country should also seek assurances from the United States that Mr Al Nashiri will not suffer the death penalty.

Supreme Court Finds Northern Ireland's Abortion Laws Breach Human Rights

In a landmark judgment, a majority of the Supreme Court has held that the current law on abortion in Northern Ireland breaches Article 8 of the European Convention on Human Rights (ECHR) by failing to provide exceptions to the prohibition on abortion in cases where the foetus will not survive birth and where the pregnancy is the result of rape or incest. The case was brought by the Northern Ireland Human Rights Commission. The appeal was heard in the week of the 50th anniversary of the Abortion Act 1967, which enabled access to abortion in a wide variety of circumstances in England, Scotland, and Wales, but was excluded from applying in Northern Ireland.

In five separate judgments, a majority of the Supreme Court found that the abortion regime in Northern Ireland breaches women's rights to privacy and bodily autonomy - protected under

Article 8 ECHR – in cases of fatal foetal abnormality pregnancies, or where the pregnancy is a result of rape or incest. The law does not achieve what it purports to in any event, as Northern Ireland "merely outsources the issue, by imposing on the great majority of women within the categories in issue in this appeal the considerable stress and the costs of travelling abroad, away from their familiar home environment and local care" Two of the judges (Lord Kerr and Lord Wilson) held that the prohibition on abortion in those categories subjects women to inhuman or degrading treatment, contrary to Article 3 ECHR.

Although the Court stopped short of making a formal declaration that Northern Ireland law is incompatible with human rights because the NIHRC did not have standing to bring the proceedings, it nevertheless chose to state its "positive conclusion of incompatibility" and underlined the need for review and reform noting that following the decisive referendum in the Republic of Ireland Northern Ireland now stands "almost alone [in Europe] in the strictness of its current law".

Lord Mance said: "the present legislative position in Northern Ireland is untenable and intrinsically disproportionate… the present law clearly needs radical reconsideration. Those responsible for ensuring the compatibility of Northern Ireland law with the Convention rights will no doubt recognise and take account of these conclusions, at as early a time as possible, by considering whether and how to amend the law, in the light of the ongoing suffering being caused by it." The judgment follows a powerful report from the Committee on the Elimination of Discrimination against Women (CEDAW) in February 2018 that the current restrictions on accessing abortion services in Northern Ireland constitute 'grave' and 'systemic' violations of women's rights.

Janet Farrell, solicitor at Bhatt Murphy representing Humanists UK, commented, "This landmark case from the UK's most senior court confirms what women in Northern Ireland know only too well – that the current law on abortion in Northern Ireland simply does not afford women the dignity or personal autonomy demanded by human rights law. As Lord Mance put it the present law treats the pregnant woman as a "vehicle" who must continue her pregnancy "whatever the other circumstances and whatever her wishes". It is up to law-makers now to review and radically reconsider the law as the Supreme Court expects and the women of Northern Ireland deserve." Human rights issues are not a devolved matter and they are thus the concern for the UK Government, not just the Northern Ireland Assembly, which has not been functioning since January 2017. The UK Government now needs to act to protect the rights of women in Northern Ireland.

Report on an Unannounced Inspection of HMP Belmarsh

37 recommendations from the last inspection had not been achieved and 10 only partly achieved. HMP Belmarsh in south east London is one of only three high security core local prisons in England and Wales. Probably the most high-profile prison in the UK, it held an extremely complex mix of men. There were young adults, and low-risk men similar to those held in other local prisons, but also over 100 with an indeterminate sentence, and those in custody for the most serious offences. The high security unit (HSU), in effect a prison within a prison, held some of the highest-risk prisoners in the country, adding a further layer of complexity. In addition, there were a large number of foreign national prisoners, others who needed to be protected because of their offence, and a small number requiring specific management arrangements because of their public and media profile. Meeting the demands and priorities of these various groups remained a hugely complicated task, and the results of this inspection need to be considered in this context.

At our last inspection in February 2015, we concluded that the prison was doing well to

balance the need for high levels of security with running a safe and decent regime. We found some weaknesses in the regime, but generally thought the prison was well run. At this inspection, we found that the prison faced several new challenges, some of which were outside the governor's direct control.

For instance, there was a significant shortage of frontline staff. It was being addressed, but had resulted in a severely depleted daily regime and regular redeployment of specialist staff to ensure that even a basic period of daily unlocking time could be given. We considered this issue had affected all four of our healthy prison tests, but was particularly detrimental to the area of purposeful activity. The funding for education and training was insufficient and meant the prison could not meet all prisoners' needs. The number of work opportunities had declined since our last inspection; the provision overall was far too limited, and inevitably attracted our lowest possible assessment. Once new staff arrive, which we were told would be in the near future, the prison's leadership team would need to prioritise improving this aspect of the prison's work.

The number of incidents of violence had increased since our last inspection, and some were serious. However, in some important respects, the increase was not as significant as in many other local prisons. The overall level of security at the prison had helped, and the use of illegal drugs was less of a problem than we might have expected. Technology was being used to support efforts to manage violence and drug use at the prison, for example through the body scanner being piloted in reception. Early results were encouraging, and I was told that staff welcomed the initiative, as did many prisoners who wanted to see the disruptive and dangerous trade in contraband disrupted. The prison had taken a zero-tolerance approach to poor behaviour, which we would support, but it needed to be developed to ensure management better understood the causes of violence and to offer more proactive work to address the underlying issues.

Some good work was being done to identify men who were vulnerable, including those at risk of self¬harm, and the prison had responded well to Prisons and Probation Ombudsman (PPO) recommendations following the three self-inflicted deaths that had taken place since our last visit. Nevertheless, some very complex men were held at the prison. They often presented with a combination of mental health issues, personality disorders and very challenging behaviour, and it was encouraging to be told that the high security and long-term directorate was reviewing how these men were being managed and considering what improvements could be made. Overall, despite some concerns, we considered that outcomes in safety remained reasonably good.

Many men were being held in overcrowded cells designed for two, but now holding three prisoners. We thought that this practice should stop, and that the prison's operational capacity should be reduced to achieve this. The governor also pointed to significant failings with the Carillion facilities management contract, which he felt had made it difficult to keep the prison functioning efficiently. While most staff were decent and diligent, many prisoners told us that some were not, and we observed a minority of wing-based staff who were dismissive and disrespectful in their dealings with prisoners. There was a lack of leadership of equality and diversity work, which needed to be relaunched to ensure the considerable needs of prisoners with protected characteristics were understood and, where possible, met. Health care provision was strong, and both social and substance misuse work were excellent. However, overall we considered that outcomes for prisoners in the area of respect were not sufficiently good.

Children and families work was generally good, and the prison understood the rehabilitation needs of the complex population well. Staffing shortages were affecting the range and quality of work being undertaken by the offender management unit, and many men had little, if any, contact with their

offender supervisor. In some cases, they even lacked an assessment or custody plan. Nevertheless, higher-risk and more complex men were being prioritised and public protection arrangements were very robust. Some good 'through-the-gate' support was being provided, and we considered outcomes in rehabilitation and release planning to be reasonably good.

In most respects, the prison continued to do a reasonable job managing an extremely complex population. However, some factors outside the control of the local management team were having a negative impact and we would urge HM Prison and Probation Service (HMPPS) to give the prison the support it needs to deliver more consistently positive outcomes for its prisoners. In addition, we have highlighted some areas where the prison does have direct control over the necessary improvements.

At the last inspection, we warned that while we had seen a number of improvements, many had not been embedded. At this inspection, progress had stalled in some of these areas, and in two of our tests we judged outcomes to have been poorer than last time. It has to be said that overall there had been a poor response to previous inspection recommendations, and so perhaps the lack of progress was not surprising. The influx of new staff offers real opportunities to address these deficits, but in such a complex prison, they will need to be supported and mentored to ensure they become the high-quality colleagues that the current leadership clearly want them to be. We hope this report will be used constructively to help with the work needed to improve this important prison. Inspectors made 40 recommendations.

Police Facial Recognition Technology Risks Mistaken Identity

Duncan Lewis: In a recent review by The Independent, 98% of people identified through facial recognition software trialled by the Met Police proved not to be the person they were looking for. This poses a real risk of injustice, with people charged with crimes they did not commit. The Big Brother Watch presented a report on the “dangerous” software to parliament, warning that the technology is not up to scratch and should be scrapped. Police constabularies state that the use of the software does not prompt an arrest alone and that any image that does not generate a match will be removed from their system. However, Tottenham MP David Lammy expresses concern that the software encourages “conscious and unconscious bias” and that “innocent members of the public are getting harassed by the police in being asked to prove their identity and innocence.”

There are many annual events where the software is employed in a bid to protect the public. It was recently used at the Remembrance Sunday commemorations by Scotland Yard. The technology is able to link to mobiles and fixed cameras live, meaning offenders can be targeted by the police during public events and prevented from doing further harm. In theory this would benefit the public, however the software is intrusive and arguably distracting police time by generating an inaccurate target. If the public cannot trust that the software works then the reality is that they are being monitored without their permission. The Information Commissioner, Elizabeth Denham, argues that police forces should be more transparent and provide evidence that the use of the software over other methods is justified. She states that without reassurance, she may have to consider legal action, which the Big Brother Watch supports through its research which claims that it may be in breach of Article 8 of the Human Rights Act, the right to a private life. It states: ‘There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.’

Though Police constabularies claim that images that do not produce a match are removed from their data base, thousands remain of the 19 million images stored of those who were acquitted of an accused crime, meaning they are at risk of being targeted by the police again. The Met Police trial will come to a close at the end of this year, where they will assess the results of the use of Facial Recognition Technology over other less intrusive methods.

Rubin Italia, Director of the Crime department at Duncan Lewis, states: “The Met should examine the findings of the trial in detail. If the technology is inconsistent, then it should be shelved until such time as it’s improved. If anyone is stopped on the basis of flawed technology then this would be open to legal challenge and risks undermining confidence in the police and the criminal justice system. In the extreme scenario that a person is identified as an offender through a false positive and arrested for a crime they did not commit, instructing an expert crim

Spanish Man Detained Without Good Reason Suffered ECHR Violations

A Spanish man who was detained on the basis of allegations he had sexual relations with minors suffered violations of his Convention rights, the European Court of Human Rights has ruled. In Chamber judgment in the case of Fernandes Pedroso v Portugal the court held, unanimously, that there had been: a violation of Article 5 §§ 1, 4 and 5 (right to liberty and security of person / procedural safeguards on review of the lawfulness of detention / right to compensation) of the European Convention on Human Rights. The case concerned a criminal investigation into a paedophile ring, and in particular the pre-trial detention of a former Socialist Party MP, Mr Fernandes Pedroso, who had been suspected of having had sexual relations with minors accommodated by the Casa Pia institution, a public institution responsible for running schools, training centres and boarding schools for children and teenagers from deprived backgrounds. The court found in particular that: at the time when the investigating judge had given his decision on Mr Fernandes Pedroso’s continued pre-trial detention, there had been no plausible suspicions that the applicant had sexually abused minors; the arguments used to justify his detention had not been relevant or sufficient; and the judicial authorities had failed to take into account the possibility of implementing alternative measures to pre-trial detention. It also found that using the anonymity method (concealing the victims’ identities) vis-à-vis the crucial pieces of evidence to which Mr Fernandes Pedroso had been denied access would have been sufficient to protect the victims’ privacy. In rejecting Mr Fernandes Pedroso’s compensation claim for unlawful detention, the domestic courts had failed to interpret and apply domestic law in the spirit of Article 5 §§ 1 and 4 of the Convention. The court noted in that connection that Mr Pedroso had no remedy in domestic law enabling him to claim compensation after delivery of the present judgment.

Hostages: Sally Challen, Naweed Ali, Khobaib Hussain, Mohibur Rahman, Tahir Aziz, Roger Khan, Wang Yam, Andrew Malkinson, Michael Ross, Mark Alexander, Anis Sardar, Jamie Green, Dan Payne, Zoran Dresic, Scott Birtwistle, Jon Beere, Chedwyn Evans, Darren Waterhouse, David Norris, Brendan McConville, John Paul Wooton, John Keelan, Mohammed Niaz Khan, Abid Ashiq Hussain, Sharaz Yaqub, David Ferguson, Anthony Parsons, James Cullinene, Stephen Marsh, Graham Coutts, Royston Moore, Duane King, Leon Chapman, Tony Marshall, Anthony Jackson, David Kent, Norman Grant, Ricardo Morrison, Alex Silva,Terry Smith, Hyrone Hart, Glen Cameron,Warren Slaney, Melvyn 'Adie' McLellan, Lyndon Coles, Robert Bradley, John Twomey, Thomas G. Bourke, David E. Ferguson, Lee Mockble, George Coleman, Neil Hurley, Jaslyn Ricardo Smith, James Dowsett, Kevan & Miran Thakrar, Jordan Towers, Patrick Docherty, Brendan Dixon, Paul Bush, Alex Black, Nicholas Rose, Kevin Nunn, Peter Carine, Paul Higginson, Robert Knapp, Thomas Petch, Vincent and Sean Bradish, John Allen, Jeremy Bamber, Kevin Lane, Michael Brown, Robert Knapp, William Kenealy, Glyn Razzell, Willie Gage, Kate Keaveney, Michael Stone, Michael Attwooll, John Roden, Nick Tucker, Karl Watson, Terry Allen, Richard Southern, Jamil Chowdhary, Jake Mawhinney, Peter Hannigan.