

MoJ Used Failed Sex Offender Treatment 'Unlawfully'

Danny Shaw, Mirror: The Ministry of Justice acted "unlawfully" in allowing the Sex Offender Treatment Programme to continue for five years - despite initial research which suggested it wasn't working, a government analyst has said. Kathryn Hopkins said she presented research in 2012 which showed the SOTP made sex offenders more harmful, but the programme wasn't halted until 2017. Speaking to BBC News after bringing legal action in an employment tribunal, she estimated around 180 more crimes will be committed by sex offenders who were treated during the five years - compared with those who weren't. The MoJ said "at no point" did it try to avoid publishing the findings of the research. The department commissioned Ms Hopkins, who was then a senior researcher in its analytics unit, to study the effects of the SOTP, which had been used in various formats since 1991. The scheme involved group sessions and cognitive behavioural therapy and was designed to challenge the behaviour of male sex offenders with psychological techniques to change their thinking.

Ms Hopkins said her initial results suggested prisoners who took part in the scheme were more likely to reoffend than those who did not. When the SOTP was eventually abandoned in 2017, the MoJ published a research report acknowledging that it was not working. "The final report confirmed what the claimant {Ms Hopkins} had been saying all along, i.e. that there was a higher rate of reoffending by prisoners who had undertaken the SOTP," Employment Tribunal Judge Tamara Lewis declared. "We can understand the claimant's frustration that it took five years to publish a report on such an important matter of public policy," she said. She indicated that victims and convicted perpetrators of sex attacks, who were told to complete SOTP, could sue the government if the crimes would otherwise not have taken place. The MoJ explained the five-year gap between the original findings and the final report by saying that it had to check and revise the research that had been conducted. "Both internal and external experts who reviewed Ms Hopkins' research judged that it was not of sufficient quality and that the methodology needed to be changed to remove the risk of bias and inaccurate results," a spokesperson said.

After the study confirmed the findings, the MoJ said it replaced the SOTP with two new programmes, Horizon and Kaizen. Ms Hopkins suggested that, over an eight-year follow-up period, at least 178 more sexual offences would be committed by prisoners who'd been treated between 2012 and 2017 than by those who were not. The figure is likely to be an under-estimate, she said, because it did not take account of the increasing number of sex offenders beginning the SOTP in those five years compared with earlier years.

According to MoJ statistics, 2,861 prisoners started the scheme. The total also did not include sex offences that will not come to the attention of police, breaches of court orders and non-sexual offending. The Employment Tribunal panel found that Ms Hopkins, who now works for HMRC, had been unfairly marked down in a performance review in 2014 because she'd raised concerns about the SOTP. She was given a 'must improve' rating which Judge Lewis said "caused her enormous distress" and prompted her to start a grievance procedure. The judge said: "It appears to us to be disproportionate and therefore very surprising that the claimant was marked 'must improve'." However, the claim failed on a technicality because

Ms Hopkins had waited too long to bring proceedings. She said it was important to bring the case to ensure that other government research isn't "sidelined" or "covered-up", as she had alleged hers was. She said: "It questions the integrity of those analysts' work if they're not supported to be independent and there's a possibility that government researchers will be perceived as not being independent from now on," she said.

Criminal Record Reform to Help Ex-Offenders Into Work

Gov UK: Rehabilitation of offenders to be boosted by removing barriers to employment. Adults no longer criminalised for life for nonviolent offences committed in childhood. Changes will not apply to sensitive roles or most serious offenders. Ex-offenders striving to turn their lives around through work will be backed by new legislation changing what they must disclose to employers. For the first time, some sentences of over four years will no longer have to be disclosed to employers after a specified period of time has passed. This change will not apply where offences attract the most serious sentences, including life, or for serious sexual, violent and terrorism offences. Regular work is a major factor in breaking the cycle of crime but many ex-offenders find it impossible to get a job, with just 17% in employment a year after release from prison, and as half of employers would not consider hiring an ex-offender.

In addition to the rule change for longer sentences over four years, the period of time for which shorter sentences and community sentences have to be revealed to employers will be scaled back. The exact length of these 'rehabilitation periods' will be determined following discussions with stakeholders. The proposed reforms recognise that the longer someone goes without committing a further crime, the lower the risk they will reoffend.

Secretary of State for Justice, David Gauke, said: The responsibility, structure and support provided by regular work is an essential component of effective rehabilitation, something which benefits us all by reducing reoffending and cutting the cost of crime. That's why we are introducing reforms to break barriers faced by ex-offenders who genuinely want to turn their lives around through employment. While these reforms will help remove the stigma of convictions, we will never compromise public safety. That is why separate and more stringent rules will continue to apply for sensitive roles, including those which involve working with children and vulnerable adults.

Currently, where a sentence of more than four years is passed, crimes committed decades earlier, including those committed as a child, must be disclosed to employers for the remainder of the offender's life. For example, an individual sentenced to a lengthy sentence for theft half a century ago would still have to tell employers to this day. This creates a disproportionate barrier to employment which prevents ex-offenders from moving on with their lives. In his review into the treatment of and outcomes for BAME individuals in the criminal justice system, David Lammy MP found that current rules are "trapping offenders in their past, denying dependents an income, and costing the tax-payer money."

The Government has acted in light of his recommendations, as well as those of the Justice Select Committee and of Charlie Taylor made following his review of youth justice. The reforms set out will be introduced as new legislation when parliamentary time becomes available. They will only apply to non-sensitive roles, with separate and stricter rules for those working with children or vulnerable adults, as well as national security roles or positions of public trust. Detailed proposals on how we will amend the 'rehabilitation periods' for shorter custodial sentences and non-custodial sentences offences will be set out following engagement with stakeholders later this year. The rules for sensitive roles are subject to a recent Supreme

Court judgment, to which the Government will respond later in the year. We are looking closely at this as we move forward with reforms to the disclosure regime. Only individuals who have stopped offending will have their convictions spent. If an individual reoffends during their rehabilitation period, they will have to disclose both their original and subsequent offences to employers for the duration of whichever rehabilitation period is longer.

Q & A - Northern Ireland, Is There a Witch-Hunt Against ex British Soldiers?

Pat Finucane Centre: A quick question and answer guide to the current debate around prosecutions of former soldiers, 'letters of comfort' and the alleged 'witch-hunt'.

Who is saying there is a 'witch-hunt' against former soldiers involved in killings during the conflict in Ireland? Some right-wing British newspapers have published misleading and inaccurate information claiming that there is a 'witch-hunt'. A group of MPs and peers (some of whom are ex-military and are sometimes referred to as the "military wing" of the Tory party) along with some unionist MPs, have also raised the issue in parliament. The Office of the Speaker has conceded some MPs have abused parliamentary privilege in comments they made about the prosecution of a former soldier that is continuing before the courts. A group of former soldiers has also held a number of demonstrations in Britain protesting against recent decisions by the Northern Ireland Prosecution Service to charge former soldiers.

How many soldiers have been convicted of murder in the Northern Irish courts? Four have been convicted of shooting civilians while on duty in circumstances where the courts ruled they were guilty of murder (one murder conviction was overturned on appeal). All four were freed after just five years of their life sentences through the use of the "Royal Prerogative of Mercy". All were allowed to re-join the British army. This hardly amounts to a 'witch-hunt'.

Convicted murderers were allowed to rejoin the army? Yes. No other member of NATO and no other democratic country allows convicted murderers to join, or re-join, its armed forces.

But haven't republicans and loyalists convicted of murder also been freed under the Good Friday Agreement (GFA) ? Yes. Prisoners convicted of conflict related offences were granted early release under the GFA. Some had only served a short period of their sentence but a great majority had already served lengthy sentences. Tens of thousands of republicans and loyalists spent time in jails (totalling an estimated 100,000 years). As against four soldiers serving less than five years each. If anyone should be convicted today of an offence that occurred before the GFA they would only serve a maximum of two years.

Would this two year limit also apply to former soldiers or members of the then RUC (police)? Yes. On January 25 2018 a British Government minister told a Defence Committee meeting that former members of the armed forces would benefit from the early release scheme.

But don't the so-called "letters of comfort" issued to republicans mean that they will not be prosecuted ... and soldiers will? All the 'letters of comfort' did was confirm that the PSNI (police) had no evidence against an individual that could lead to a prosecution at that time. Prosecutions are still possible if evidence becomes available in the future. Prosecutions are now proceeding against a number of former republicans and loyalists. The handful of cases where errors led to some people being told, wrongly, that there was no evidence against them led to the Hallett Enquiry. The PSNI Legacy Investigation Branch (LIB) is presently reviewing ALL cases where such letters were issued.

But why are military killings being re-investigated all these years later? The Stormont House Agreement proposes a new police unit to investigate all outstanding homicide cases - but

politicians have so far failed to agree its implementation. In the meantime, the PSNI are investigating a small number of cases. These include military killings. A large number of killings by British soldiers, however, were NEVER subject to ANY thorough Article 2 (ECHR) compliant investigation as is legally required. These are not, then, re-investigations as - in many cases an Article 2 compliant police investigation has yet to happen.

Is there proof that these deaths were not investigated? Yes. In the early 70s, an illegal agreement existed between senior army and police officers which meant that soldiers involved in fatal incidents were rarely interviewed by police officers. The family of Kathleen Thompson, a mother of six, took a judicial review of the Prosecution Service failure to prosecute the soldier. The judge slammed the lack of investigation and ruled the Chief Constable had no authority to delegate responsibility to the Royal Military Police. In addition, declassified official documents show that a second illegal agreement was reached in the early 70s whereby the Attorney General would consult with the Ministry of Defence BEFORE prosecuting a soldier, inviting a submission from the MoD on why a prosecution should not proceed. This was an egregious violation, both of the independence of the Attorney General and the Prosecution Service. A report from Her Majesty's Inspectorate of Constabulary and judgements from the European Court of Human Rights all confirm that military killings were not investigated as legally required between 1970 and 1973. Even after this period, killings of unarmed civilians by the British army were not subjected to rigorous and thorough investigations as required by law.

But the British Army was in Ireland to uphold the law and was subjected to daily attacks by the IRA? This was not the experience of the nationalist/republican community. Where they didn't uphold the law they should be subject to investigation and prosecution as with anyone else. It was the actions of some soldiers, who killed unarmed civilians not posing any threat to them or others that inflamed and aggravated the conflict in the early 70s. The subsequent failure to investigate and prosecute alienated the entire nationalist/republican community, prolonging the conflict. A recent inquest into a man shot dead by soldiers in 1971 shows a complete failure to investigate the lies and disinformation that was put in the public domain at the time. It took over 40 years for his family to finally have the truth told.

If the British army was only responsible for approximately 11% of deaths why are more resources not devoted to investigating killings carried out by illegal paramilitary groups? As outlined above, thousands of people spent lengthy periods in jail having been convicted of paramilitary offences, including murder. For over three decades massive resources were devoted to putting people behind bars (and sometimes the wrong people, as with the Birmingham Six and the Guildford Four). The Northern Ireland Office has confirmed to The Pat Finucane Centre that there are approximately 170 outstanding investigations into the deaths of British soldiers. Over 500 investigations into killings of soldiers have been completed. These resulted either in prosecutions, where evidence was sufficient, or to no prosecution if evidence was unavailable.

Isn't it just lawyers who benefit from these investigations/prosecutions ? In the initial stages the only paid lawyers involved in investigations are those representing the Public Prosecution Service. Where investigations and/or prosecutions take place into deaths, including those caused by the British army/RUC, the family of the victim have no right to legal representation and legal aid is NOT available. If a prosecution proceeds against a serving or former soldier, the defendant will have all of his legal costs covered by the Ministry of Defence who engage private law firms usually based in London. In a March 2019 letter to former soldiers then Defence Secretary Gavin Williamson MP guaranteed that soldiers will be entitled to retain their own

lawyers “without limit of time or cap on expenditure.” The soldiers will not be means tested nor required to contribute to their own legal costs. Contrary to the disinformation disseminated by some Tory MPs none of those firms involved in 'legacy' cases representing the next of kin of the deceased in the North receive any remuneration whatsoever when former soldiers are prosecuted. In civil proceedings, for example at an inquest, the usual legal aid provisions apply.

Why do these families want 'revenge' so many years on? The vast majority of bereaved families whose loved-ones were shot dead by soldiers do not want revenge. They seek truth and justice. Having been treated appallingly in the aftermath of the death, they now have to endure reporting that borders on the racist - and is certainly inaccurate. The ultimate insult came when a parliamentary committee called for a “statute of limitations” for members of the British armed forces. This is illegal, immoral and certain to contradict both the spirit and the letter of the peace process. It is contrary to the provisions of the Good Friday Agreement. What would you, reader, think if your parent or child was killed by a soldier whose only defence is that he was “fighting for Queen and country” ?

Who are we? The Pat Finucane Centre provides advice and advocacy to over 230 families on both sides of the border who have been bereaved due to the political conflict. A number of the families have had loved ones killed by the British army and were unarmed and did not pose a threat. We are involved with families in cases where prosecutions are proceeding against former soldiers. Unlike the Sun, Daily Mail and some Tory backbenchers we do not see it as appropriate to comment on these cases where legal proceedings are on-going.

HMP & YOI Askham Grange - One of the Best-Performing Women's Prisons

HMP & YOI Askham Grange, a women's open prison near York, has been awarded the highest grading of 'good' in all four HM Inspectorate of Prisons healthy prison tests for the second inspection running. Chief Inspector of Prisons Peter Clarke said it was particularly pleasing in April 2019 to see that the leadership and staff had not simply relied upon what inspectors found last time (in 2014), nor just continued along the same path. “On the contrary, there had been new initiatives and innovations in many areas. The ethos of rehabilitation and resettlement that dominated the establishment seemed to be stronger than ever, and the extraordinarily strong nature of the relationships between staff and prisoners was clear to see. There can be no doubt whatsoever that this played a huge part in achieving the goals of building women's confidence and self-esteem en route to eventual release.”

Very few prisoners said they had felt unsafe, there was hardly any violence, and levels of self-harm were very low. “This was a welcome finding when the levels of self-harm elsewhere in the women's estate are so troubling. Those prisoners who did need support received it appropriately.” Drugs and alcohol were not easily available. The prison was clean, the living conditions were good and the grounds were extensive. Acorn House, a stand-alone building in the prison grounds, enabled prisoners to look after their children for overnight stays. The onsite mother and baby unit, complete with well-equipped nursery, was an excellent facility. Mr Clarke added: “It was clear that both mothers and babies thrived in the environment.”

Prisoners were never locked in their rooms and had free access to most of the site throughout the day. There was a wide range of recreational and social activities and Ofsted inspectors judged the provision of learning and skills to be outstanding. In terms of helping prisoners to progress, the links to voluntary organisations and employers were a key strength. Inspectors raised one significant public protection concern, relating to weaknesses in assessments of whether prisoners posed a continuing risk to children.

Overall, however, Mr Clarke said, “it would be wrong to detract from the overall excellence of the prison.” He sounded two notes of caution for the future: “In the weeks following the inspection, the acting governor and deputy governor were both due to leave, and as we have seen elsewhere, maintaining consistency in leadership energy and ethos can be vital to maintaining good performance. The second issue is potentially more worrying, and it is that Askham Grange has been under threat of closure for some six years. This uncertainty needs to be resolved as soon as possible. This is one of the best performing prisons in the country. The prisoners clearly benefit enormously from what it can provide. It would be good to think that in the future Askham Grange might remain as an example of what can be achieved, and not fade away into a memory of what was once an exceptional establishment.”

No Right to Justice in England and Wales

When you are sent to prison, you are not only deprived of your freedom, your liberty but also you are disenfranchised of your legal and human rights and entitlements. As the law states, every person who has been convicted and sentenced by a court are entitled to have that conviction and sentence reviewed by a higher court or tribunal.

Unfortunately, however, we live in a Kafkaesque Appeal system where a Single Judge reviews your cogent Grounds of Appeal at the Royal Courts of Justice on the papers who more often than not refuses leave to appeal and the all-important Representation Order (used to be called legal aid). Thus, the Applicant has to renew the Application to be heard by the Full Court or two or three judges at the Gothic edifice in the Strand where the Applicant is neither legally represented nor allowed to appear in person.

We learn the judgement that has been decided 'sub-Rosa' is read out like some edict from a dictator to the court in a matter of minutes, which is not appealable to the Supreme Court all because you were not granted leave to appeal on the papers by the Single Judge and received a decision on the review and not on an authorised judgement on the Appeal.

As a direct result, we learn through hard-won experience that the Appeal against conviction and sentence is all a grade A chimaera. "Something that is hoped for, but illusory or impossible to achieve". However, what makes matters ineffably worse, more time and effort was spent by the current judicial incumbents at the Strand in closing down perfectly arguable and credible Grounds of Appeal than would have been spent in giving permission to proceed to the Full Court. Therefore, it is emphatically argued and advanced the that the Royal Courts of Justice have become cunningly intellectually dishonest and hypocritical. Moreover, we learn there is a rough estimate of 85,000 prisoners in the British penal system, whereby at least 20% approximately 17,000 prisoners are believed to be the recipients of one miscarriage of justice or another — Albeit, a miscarriage involving a conviction or sentence or in some cases both. The scale of the problem is a terrible indictment on the Judiciary of England and Wales. It states, does it not, that the Judiciary is woefully infected and has been for some time with the misguided ability and capability to breach its own laws, principles and doctrines in order to maintain the status quo that the Court of Appeal is not renowned for justice and fairness as it would shine the spotlight of responsibility on the Police Service and the Crown Prosecution Service.

The problem is, how long can this charade at the Court of Appeal continue? How long can the fiasco of refusing entirely justified and legitimate Appeals be sustained? More substantively, how long can the hidebound incumbents at the High Court continue to hold up the corroded pillars of the Police Service and the Crown Prosecution Service that keeps present-

ing weak and insubstantial convictions that have violated and contravened the most basic of English laws, such as~ drafting the indictment, arraignment, disclosure and Joint Enterprise? How long must the human-made doctrine of the "proviso" be used at the Strand to reject and dismiss flawless Appeals? How long must the only chance of a successful appeal depend upon how much publicity the Applicant has in the community? Why is it senior and junior counsel in Chambers up-and-down the land are reluctant to take on Appeal work as they are frequently admonished and castigated by Appeal Judges that are neck-deep in so much bias and prejudice that they do not even know that they are wallowing in the stuff?

We have now reached the stage where the legal profession and its clientele in prison are au fait with the wholly negative decisions and judgements of the Court of Appeal. It does not take a clairvoyant with a crystal ball to forewarn the bench and their wingers that the dark days of dodgy decisions are becoming all too predictable, habitual, frequent. The last time the judicial planets were all in alignment on such matters of unreasonableness, irrationality and unfairness was in the fall of 1989 when the Birmingham 6, Guildford 4 and Maguire 7 sent shivers along the spine of the Judiciary. This time there is no stockpile of similarly wrongly convicted prisoners save those under the ignominious banner of Joint Enterprise. This time there is a constellation of 17,000 wrongfully convicted prisoners plus, speckled across the prison estate. Small wonder, legal aid for judicially reviewable decisions are non-existent and depend upon pro bona counsel or prisoners who have learnt the bare-bones of the law.

History tells us, in quite unequivocal terms, that publicity is the key to justice and fairness within our Judiciary. The Lord Chief Justice, Lord Justices and High Court Judges, absolutely deplore the public taking an interest in matters of law and order. They see law and order as their domain and their domain alone. For example, who recalls the front page of the Daily Mail which called High Court Judges: "The Enemy of the People" over the Brexit fiasco? The focus of the news media on the dark corners of the Gothic building in the Strand made them sit up and justify and legitimise their raison d'etre. How much more can the disillusioned legal profession and penal system take off the bizarre and weird decisions and judgements emanating from the Strand?

What message does it send to us, when they do not even correct the substantive doctrine of Joint Enterprise that took a wrong turn by mistake decades ago, let alone compelling individual appeals that warrant and demand amendment and/or correction? We cannot merely sit by and let this happen. We must, as a matter of urgency, speak up for the sake of all.

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Number of BAME Young Offenders in Custody Outstrips Number of White

Jon Robins, Justice Gap: For the first time the number of young offenders from a black, Asian and minority ethnic background in custody has outstripped the number of white offenders. The latest figures published by the Ministry of Justice revealed that in May this year there were 415 young offenders locked up compared to 396 white offenders. The latest figures reveal the extent to which young people have been diverted from the justice but also how increasingly those left are from BAME backgrounds. The figures go back to 2005 when figures peaked at 2,189 young white offenders in custody compared to 738 black and 161 Asian offenders. Pippa Goodfellow, director of the Standing Committee for Youth Justice, told The Times that the figures were 'a cause of great concern'. '[They] demonstrate the sheer extent to which the criminal justice system is disproportionately propelling black and minority ethnic children into prison.' The Labour MP Lucy Powell recently questioned whether a group of teenagers cleared over the fatal

stabbing of a private schoolboy would have been found not guilty if they had been black and state school educated. The MP for Manchester Central has spoken out about her concerns about joint enterprise and the racial discrimination in the law's application.

Yousef Makki had been stabbed in the heart with a knife in a wealthy area of Cheshire. Two teenagers, known as Boy A and Boy B, were charged in connection with his death and cleared of all charges following a four-week trial at Manchester Crown Court at the end of last week. Boy A claimed he acted in self-defence and was cleared of the charge. He admitted perverting the course of justice by lying to police and possession of a knife. Boy B was cleared of perverting the course of justice but also admitted possession of a knife. According to BBC News, the jury heard the stabbing was an 'accident waiting to happen' as the boys indulged in 'idiotic fantasies' playing as middle-class gangsters 'calling each other "Bro" and "Fam" and the police "feds"'. They posted videos on social media 'making threats and posing with "shanks" or knives', the teenagers arranged to buy cannabis and planned to rob the dealer. But the robbery went wrong and Yousef and Boy B fled, leaving Boy A to take a beating. He then later pushed Yousef who called him a 'p****' and punched him in the face. He told the jury Yousef pulled out a knife and he responded by also taking out a knife and his victim was stabbed. A local man passing by, a heart surgeon, performed emergency surgery in the back of an ambulance but Yousef suffered catastrophic blood loss.

Raphael Rowe: 'Everyday Something Reminds me of Prison'

The journalist Raphael Rowe spent 12 years in prison as one of the M25 three for a crime he always maintained he did not commit. Freed in 2000 after the case went to the European Court of Human Rights, Gemma Blythe met with him to hear his story. "I just wish I could forget what happened, but every day something – the slamming of a door, small rooms – reminds me of prison," Raphael Rowe, the former lifer-now journalist, tells me. Rowe is charming, polite and candidly open. Not a stereotypical ex-offender. He no longer has his South East London accent, but a self-proclaimed BBC accent. He still has his Jamaican roots showing – his dreads. Rowe grew up in South East London, on a council estate, with his parents and three older sisters. His dad was from Jamaica and his mum from London. He was expelled from secondary school due to his lack of attention and general bad behaviour. He was placed in an intermediary school with other boys 'like him'. His parents could not afford to give him the things he wanted, so Rowe started looking for ways to get them. He was a teenager when he first got into trouble.

Rebellious and marginalised: At the age of 17, he was arrested for burglary. He was later arrested, charged and convicted. He spent 10 months in a Young Offenders Institute, surrounded by boys of a similar mind-set to his. He said "although it was not enjoyable, it was no deterrent". He remembers music being played into his cell at 6am as a wakeup call. He would then have 30 minutes to get up, wash, dressed and make his bed military-style. Once released, Rowe was back home with his parents, who tried to get him back on the straight and narrow. He was unruly at home and like many teenagers, rebellious and feeling marginalised. Rowe was soon back in with the same crowd of friends and getting into trouble again.

When he was 19 years old, a friend asked him to share a bedsit. Rowe jumped at the chance. "This was my first taste of real freedom," he says. He was on probation and started a journalism course at a local college but never finished it. Whilst living in that bedsit, he remembers one night particularly well. "I was fast asleep, it was early hours of the morning. I woke up to lots of shouting and banging. A group of people in balaclavas, holding guns, stormed my bedroom, shout-

ing at me to get on the floor.” It took him a while to work out it was the Metropolitan Police. He was taken to the police station, with two others, and interrogated for three to four days. At first, he had no idea what it was about. He was being asked where he was on certain days and times, but he could not remember. In December 1988, Rowe was 20 years old. He was charged with murder and robbery and remanded to Brixton Prison. He was a Category A offender, therefore spent his days in a secure segregated unit, under constant watch.

M25 Three: Rowe recalls his time on remand. “I put all my energy into research and building my defence,” he says. He was aware of the story being front page news and calls for his hanging. He was a named member of the ‘M25 Three’. The trial took place in January and February 1990 at The Old Bailey. Rowe told me: “I felt that justice would be done, and I would be released that day.” He wasn’t. Rowe was convicted of murder and robbery, and sentenced to life imprisonment. He always maintained he never committed a crime, yet sentenced to life. Rowe remained in segregation. Partly because he refused to accept what had happened to him and because he refused to conform to prison life. “Prison then was very different to prison now. There was no sanitation in cells. I had to empty my own waste, had no TV and no play stations. I was a loner, keeping myself to myself, and emerging my energy into my case papers.” He would continue to fight his wrongful conviction.

Rowe was moved around various prisons, but it was his time in Gartree Prison that would prove to be significant. He was sharing a secure area with the Birmingham 6, Cardiff 3, Winston Silcott and one of the Tottenham 3. Rowe was the youngest of them all and he saw them released one by one. There was a pact made inside that if someone was released, they would mention each other in media interviews. Seeing the others released gave him hope that, one day, it would be his turn. “One of the worst things seen in prison was when the cells were opened for us first thing in the morning and the gentleman in the cell opposite was hanging dead,” he recalls.

Rowe decided to start a journalism course. He was interviewed by a reporter from The Independent and a two double page spread appeared on his story. Other newspapers wanted to speak to him. Rowe was willing to accept segregation as a punishment for speaking to journalists on the telephone. He also went on hunger strike. Rowe had access to a typewriter and spent his days analysing the case papers and making notes. He spent days reading Archbold, the leading text for defence lawyers, and became a self-taught expert on the criminal justice system. On the outside, his family were campaigning, handing out leaflets and spreading the word.

Finally in 1993, Rowe appealed his conviction at the Court of Appeal. His appeal was based on the lack of disclosure in relation to the reward money paid out by the Daily Mail newspaper. The Court ruled that their convictions were safe. The following year, Rowe made an application to the European Court of Human Rights. In 1997, the Criminal Cases Review Commission was established up to investigate miscarriages of justice. The same year, the new body referred his case back to the Court of Appeal. Meanwhile, the the BBC’s Rough Justice programme, which investigated alleged miscarriages, secretly recorded an informant, in relation to a separate matter, who admitted to receiving the payout from the Mail. He was now aware that the police force had let this person continue altering statements when new evidence was discovered.

In 2000, the ECHR finally returned their judgment and found that there had been a violation of Article 6 of the European Convention on Human Rights, the right to a fair trial. At what turned out to be Rowe’s last hearing, the Court of Appeal stated “...we cannot say that any of these convictions is safe. They must be quashed and the appeals allowed. Ten years on it is not appropriate to order a retrial.” Rowe was released and walked down the steps to his

family. “Despite a cast-iron alibi and no forensic evidence, I was sentenced to life. I’m not bitter and I don’t blame the criminal justice system. I blame those individuals who knowingly allowed this injustice to happen.”

Damage limitation: Lord Justice Mantell finished his judgment by saying: “This is not a finding of innocence, far from it.” “I was innocent and always was innocent and that’s why the courts quashed our convictions,” Rowe says. “But in an attempt to limit the damage such wrongful convictions have on the British criminal justice system they will always attempt to tarnish the moment they quash a conviction.”

Rowe says he “went into prison as a 20 year old boy and left a 32 year old man”. He wanted time to get to know his family again. Visiting for an hour or so, never gave them enough time to really get to know one another. Rowe took a year off, travelling the world and catching up on the life that he had missed. Upon his return, Rowe used his journalism experience and started contacting journalists that he had met throughout his ordeal. One of them took him on a tour of BBC5Live. It was then that Rowe met Rod Liddle. Liddle offered him a job on the planning desk for the BBC 4’s Today programme. He could not handle sitting still, answering telephones and using computers. “I had been sitting down for 12 years,” he says. Rowe was then given the opportunity of working as a reporter.

Rowe became the Today programme’s first mixed race reporter. Later, he worked for BBC Six O’Clock News, and then for BBC Panorama, where he still works today. He has smuggled diamonds from Sierra Leone ‘Blood Diamond’ and reported on the Barry George case. Rowe says investigative journalism is the backbone of journalism and argues that there should be a space on mainstream television for programmes about miscarriages of justice. “It is something that affects us all, not just a selected few,” he says. Rowe recently supported the campaign against cuts to legal aid. He addressed the Justice Alliance demo outside the Old Bailey last year – see [HERE](#). “Without legal aid, I would not have had any legal representation at my original trial, first and second appeal, European Court of Human Rights and throughout the 12 years I was in prison,” he says. “Being able to secure legal aid ensured I had a solicitor, barrister and QC and it allowed me to change my representation as the years passed by. Without legal aid, I would still be a wrongly convicted prisoner and my family and I would still be campaigning to prove my innocence.”

The ‘Culture Of Disbelief’ That Fails Child Asylum Seekers

A recent BBC Newsnight investigation identified 137 child asylum seekers wrongly classified as adults. In the 12 months up to March 2019, these vulnerable young people ended up in unsupported, often highly inappropriate, adult asylum accommodation until authorities subsequently accepted that they were children. At the Greater Manchester Immigration Aid Unit (GMIAU), we work with unaccompanied asylum seeking children providing them with legal advice in respect of their asylum claims, when they are age-disputed and on a one-to-one basis with individual support needs. We also run a monthly youth group specifically for unaccompanied asylum seeking children from ages 14 upwards. This group allows them the space to just be with and behave as children whilst meeting others and enjoying activities. For the age-disputed children this space is vital and sometimes the one chance they have to socialise with other young people and the only help they might receive.

Our legal aid contract covers all forms of public law challenges, however, owing to the growing demand and lack of other providers in the north west, almost all our cases undertaken

are in cases of age disputes. We have just one full-time public law solicitor and have taken 18 age-dispute cases since our contract started in September. Almost all of the children we see are those who have been assessed by a local authority and dispersed throughout the north west of England into adult asylum accommodation. The accounts of children threatened and beaten in the initial adult accommodation that featured in the Newsnight investigation are sadly familiar to us. We often hear of groups of adults forced to occupy shared rooms where young people are likely to be targeted because of their obvious vulnerability. The children are then dispersed elsewhere and end up having to look after themselves living with older strangers who they have nothing in common with and who they often cannot even talk to. In our experience, most don't know how to cook, use a washing machine, register with a GP let alone find a lawyer to help them. They struggle on the limited financial support provided by the Home Office intended for adults and they often have to buy ready-made food as they cannot cook and often do not understand how to budget.

We have also experienced cases where local authorities have terminated support immediately upon carrying out an assessment without ensuring children they deem to be adults are afforded the opportunity to secure legal advice or are safely transitioned into adult accommodation, leaving them destitute and homeless. We were recently assisting a young person who we were concerned had serious mental health issues. When he was told he had been assessed as an adult he reacted by hurting himself and required hospital treatment. Nevertheless the local authority terminated accommodation and support without safe transition and this young person went missing. We have subsequently been informed that he was taken to hospital again after trying to take his own life. Increasingly we are seeing local authorities carrying out so called 'screening' or 'eyes on' assessments. These are often conducted by duty social workers at police stations as soon as they arrive in the UK after long, traumatic journeys and with no appropriate adult or face to face interpreter. There are given no opportunity to challenge the assessment before they are moved on a few hours later into the adult asylum system.

When they seek help from lawyers, accommodation providers, tutors or community organisations and are referred for legal advice those making the referrals are often shocked at the massive disparity between their claimed date of birth and the ages these children have been given. We have represented children who have been described as being old men with grey hair and wrinkles in situations where that has not been the case and where professionals working with the children have given evidence to the contrary. The age assessment process is long, tiring and costly – both in monetary terms but, more significantly, for the child who often struggles to understand why they are not being believed, why they are being left to live without support in adult accommodation and why they cannot access education. Their asylum claims are often on hold pending the determination of age, sometimes meaning that by the time their age is determined they have already turned 18 and their asylum claims are decided on the basis that they are now an adult without the additional protections and safeguards afforded to children. They often also miss out on mainstream education if their age dispute is not resolved before they turn 16. One young person upon being asked how he felt to have his age finally accepted stated 'happy and sad at the same time, knowing we have been waiting a long time and part of our life is wasted'.

These young people have been through traumatic journeys seeking safety in the UK and are met with disbelief and a lack of support. The question that needs asking is why are local authorities carrying out so many age assessments? According to the asylum statistics for 2018 the number of age-dispute cases increased by more than one fifth (22%) last year. We suspect

the figures are higher as these stats do not include those deemed to be an adult by the Home Office on the basis of physical appearance and/or demeanour. We are also concerned that the figures do not include children who may be briefly assessed by local authorities or where the Home Office have not been informed of an age assessment having taken place. Why the increase? There seems to be a general culture of disbelief fuelled by adverse publicity in the media about old men claiming to be children. The young people we see are not old men with wrinkles and grey hair. The guidance is clear that assessments should only be carried out where there is reason to doubt the child's age and that, owing to the inherent risks and safeguarding concerns of leaving children to navigate the adult asylum system alone, they should always be afforded the benefit of the doubt where definitive evidence is not available (see here). This culture of disbelief and practice of regularly age assessing children is a serious safeguarding risk. It is damaging the lives of already vulnerable and isolated children and missing out on the potential of nurturing some truly remarkable children who are real assets to society.b

'There's Going to Be a Lurch Towards Penal Populism. Be Concerned'

Experts across the board fear a Trump-style Boris Johnson Government would be a threat to the criminal justice system. His American Right-style attacks on liberalism will see Britain's criminal justice system lurch towards populism, former chief inspector of prisons Nick Hardwick has warned. 'I think the window of opportunity [for criminal justice reform] has closed,' he said. 'I think it's too late. I think we should be very worried about the future and I think we should be very worried about the policies that Boris Johnson is likely to introduce when he becomes Prime Minister. We saw recently his article where he mimics the American Right in his attack on liberals in the Parole Board. I am liberal, I don't find that an insult. But, you can see the way in the States the term 'liberal' has become a term of abuse... [Boris Johnson] doesn't mean that as a compliment.' In his lucrative Daily Telegraph column in May, Mr Johnson declared: 'We need to root out the Leftist culture of so much of the criminal justice establishment.' Professor Hardwick was joined in his concerns about the Conservative party leadership favourite by former prison governor John Podmore who said 'we need to prepare for a hanger, flogger secretary of state for justice in the next two weeks'. Frances Crook, chief executive of the Howard League for Penal Reform charity, also added ominously: 'Be afraid, be very afraid.' Professor Hardwick, a highly respected and experienced public servant, was chief inspector of prisons for six years until 2016, when he became chair of the Parole Board of England and Wales – the independent body tasked with deciding whether a prisoner who has served their minimum term of imprisonment is safe to be released.

Serving Prisoners Supported by MOJUK: 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,