Miscarriages of JusticeUK (MOJUK)
22 Berners St, Birmingham B19 2DR
Email: mojuk@mojuk.org.uk Web: www.mojuk.org.uk

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Young People and Criminal Appeals: Can You Help?

Justice Gap: Young people in the criminal justice system have particular needs. Research shows that young people may struggle to understand complex court proceedings and rely heavily on the advice of legal professionals. But some will inevitably have their cases handled by inexperienced solicitors, and with heavy caseloads, solicitors may not have the time to explain clearly what is happening. Confusion can be compounded by complex cases involving multiple young defendants, such as seen in 'joint enterprise' cases.

According to the Evidence-Based Lab at Exeter University, of the young people proceeded against in both the Youth and Crown Court (25,500 in 2019), 47% pleaded guilty at first appearance in the Youth Court and 58% in the Crown Court. Their study reveals that young people, like adults, are offered incentives to plead guilty, including reduced sentences. Such incentives could put pressure on young people to plead guilty and may result in the innocent also pleading guilty. Focusing on short-term benefits, young people may be easily swayed to plead guilty without fully considering long term consequences.

Both of these issues could lead to miscarriages of justice.

Just like adults, young people can appeal their criminal convictions or sentences. The question is whether they know about their right to appeal, and can they access support during the appeal process? Considering the number of young people going through the criminal justice system each year, and the challenges young people face, it is necessary to find out if young people are appealing their convictions and sentences and whether they have sufficient knowledge about the appellate system in England and Wales.

A new study at Northumbria University is focussing upon young people's knowledge about the appeal process and the Criminal Cases Review Commission (CCRC), the support provided for young people during the appeal process and the role of stakeholders (legal professionals, Youth Offending Teams, CCRC). The study will involve getting the views of young people (under 18s) and also those of stakeholders, parents/guardians, and legal professionals working with young people. The study aims to fill the gap in knowledge around young people and appeals and seek to secure any improvements in processes and support required, to ensure that young people are able to access the appeal courts. Researchers at Northumbria are calling for participants in England and Wales who were convicted/sentenced under age 18 to participate. This will involve answering a few questions on knowledge about appeals, CCRC and the support available during the appeal process. Confidentiality and anonymity will be ensured and participants can withdraw at any given point without giving any reasons. By participating in this study, you will be helping to benefit future generations of young people who may suffer a miscarriage of justice.

Serving Prisoners Supported by MOJUK: Kieron Hoddinott, Derek Patterson, Walib Habid, Giovanni Di Stefano, 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, Warren Slaney, Melvyn 'Adie' McLellan, Lyndon Coles, Robert Bradley, 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 William Kenealy, Glyn Razzell, Willie Gage, Kate Keaveney, Michael Stone, Michael Attwooll, John Roden, Nick Tucker, Karl Watson, Terry Allen, Richard Southern, Peter Hannigan

As Life Returns to Normal, How Come Prisons Are Still in Lockdown?

Laura Janes, Justice Gap: While restrictions in the community have ceased, people in prison are still subject to highly restricted regimes, periods of quarantine and impoverished services as staff are off sick and whole wings and sometimes entire prisons are shut down after outbreaks. One person, now 30 years old but sentenced to an IPP with a minimum term of a year as a child, told me that in his jail in the south, the entire jail went into shutdown after some cases were detected on two wings. Another person, a 24 year old young man, with ADHD in a jail in the north, described the Covid restrictions still in place following transfer from another prison. He explained that he was told he had a five day quarantine. For some reason, this was only deemed to start the day after his arrival so it was six days. It also made no sense to him as in his one hour out a day, he was put with other people using the shower and phones so he was not isolating after all and felt there was no public health benefit to being behind his door 23 hours a day. To make matters worse, his things from his last jail had been held up at reception so he had nothing to do other than 'watch TV or walk around his cell like a dog in a cage'. He felt this was a punishment as it was nothing like the government guidance for people on the outside. The problem is that prisons have become used to restricted regimes during Covid and it has become the new normal, even if it is no longer even

'Wild West' Warning on Predictive Policing'

Law Gazette: The use of computer systems to analyze large sets of data to help decide where to deploy police or to identify individuals who are purportedly more likely to commit or be a victim of a crime. Police forces are deploying predictive policing and other artificial intelligence tools with a 'Wild West' disregard for oversight and safeguards, according to an influential committee of peers. 'We were taken aback by the proliferation of artificial intelligence tools potentially being used without proper oversight,' the House of Lords Justice and Home Affairs Committee reports. While facial recognition is the best known of the new technologies, 'many more are already in use, with more being developed all the time'. The market in such systems is 'worryingly opaque', creating a 'serious risk' that an individual's right to a fair trial could be undermined by 'algorithmically manipulated evidence'. Currently, police are not required to be trained to use such technologies or on the legislative context, the possibility of bias and the need for cautious interpretation of the outputs.

Among other safeguards, the report calls for legislation to create a 'kitemark' system to ensure quality and to create a register of algorithms. Police forces should have a 'duty of candour' about the technologies in use and their impact, especially on marginalised communities. The committee says it acknowledges the 'many benefits' that new technologies can bring to law enforcement. However 'AI technologies have serious implications for a person's human rights and civil liberties'. For example, the report asks, 'At what point could someone be imprisoned on the basis of technology that cannot be explained?'

Informed scrutiny is essential to ensure that any new tools deployed in this sphere are safe, necessary, proportionate, and effective - but this scrutiny is not happening. 'Instead, we

uncovered a landscape, a new Wild West, in which new technologies are developing at a pace that public awareness, government and legislation have not kept up with. Public bodies and all 43 police forces are free to individually commission whatever tools they like or buy them from companies eager to get in on the burgeoning AI market. And the market itself is worryingly opaque.' Public bodies often do not know much about the systems they are implementing, due to the supplier's insistence on commercial confidentiality, the report states. 'This is particularly concerning in light of evidence we heard of dubious selling practices and claims made by vendors as to their products' effectiveness which are often untested and unproven.'

Meanwhile 'a culture of deference towards new technologies means the benefits are being minimised, and the risks maximised'. Committee chair Lady Hamwee (former solicitor Sally Hamwee) said: 'Without proper safeguards, advanced technologies may affect human rights, undermine the fairness of trials, worsen inequalities and weaken the rule of law. The tools available must be fit for purpose, and not be used unchecked. 'Government must take control. Legislation to establish clear principles would provide a basis for more detailed regulation.

Fight Prison Censorship!

FRFI: On 21 February we received a copy of a letter from the Prison and Probation Ombudsman (PPO) to Jason Michael, a prisoner in HMP Frankland, who had complained about the June/July 2021 issue of FRFI being censored. Initially the whole paper was withheld but following Jason's first complaint, Frankland's FRFI subscribers were issued with it all bar the prison page (and by extension, the reviews on the other side). In response to the PPO investigation the prison clarified that the article it objected to was one entitled 'End solitary confinement'. The PPO was nonplussed by this, commenting that 'While critical of the prison service, there is no content that appears to undermine the good order/security of the prison or content that is particularly inflammatory or incites any kind of violence'. It therefore asked the prison to issue the missing page to Mr Michael. Initially, the prison governor Brendan Feeney refused; however, he eventually backed down, perhaps realising that a judicial review challenge on this point would be both unsuccessful and embarrassing. FRFI and our readers will continue to contest this type of petty censorship via all the available channels, every time it occurs. We have battled this type of interference for the whole of FRFI's history and will never accept attempts by the prison system to ban our material.

Support Political Prisoners in Turkey!

Since 19 December 2021, socialist political prisoners Sibel Balaç and Gökhan Yıldırım have been on Death Fast (hunger strike to the death) in protest both against the injustices they have faced personally and in order to highlight the general situation of the people of Turkey. These comrades have been sentenced on the basis of fabricated evidence and secret witnesses. The security services have used made-up statements signed by criminals against them. The rule of law is being trampled over by the government. Some of their demands other than for fair trials include: freedom for long-term political prisoner Ali Osman Kose, who has been incarcerated for 37 years, 21 in solitary confinement; freedom for prisoners who are ill or disabled; an end to prison censorship of publications and books; an end to abusive prison disciplinary practices: the abolition of cellular prisoner transport vehicles; the restoration of ten-hours a day prison association time. Political prisoners in Turkey have a long history of powerful resistance and courage. Over 140 people died during the wave of hunger strikes in Turkish prisons in 2000-2002. As revolutionaries, political prisoners refuse to yield

of well-connected individuals. It often has little to do with comparative severity of the offence, and nothing to do with the calculation of future risk – the basis on which the law requires that parole decisions should be made. So as a prisoner you could find that your chance of ever being released is determined by something you can't possibly change. By the same token, as the relative of a murder victim you might find your voice went unheard because there wasn't any media interest. Fairness in criminal justice isn't about who attracts the most public disgust or sympathy, or a competition between prisoner and victim – it's about the just treatment of both.

The review is unfair because it assumes that the difference between success or failure at a parole hearing for a prisoner is determined by their own commitment to change. In other words, if you don't get parole, it's your fault for not doing enough to show that you're not "dangerous". But this is a system that is constantly failing to provide the opportunities to allow a proper judgement about future risk to be made. The same review will make it harder for prisoners to go to open prisons, where they get the opportunity to spend time in the community, and have trust placed in them. It's a classic Catch-22 – you need to show you can be trusted, but we're not prepared to take the risk of trusting you in the first place.

And it's unfair because there is another purpose to this – to bolster the government's view that fundamental rights should be earned, not assumed. Look at the recent government consultation on the future of the Human Rights Act, and its lazy assumption that people will be shocked because prisoners have used that Act to insist on receiving the necessities of a civilised daily existence. Or the refusal to extend any of the long-awaited assistance on legal aid to prison litigation or even to prisoners alleging a miscarriage of justice. In January this year, the pressure group Justice published a detailed set of proposals for a parole system that would be fair, and would guarantee the rights of people who ministers clearly believe least deserve them. Previous official reviews of parole have reached similar conclusions. But this latest review, with its "they deserve what's coming to them" attitude, couldn't be less concerned with fairness fundamentals.

Take Action for a Fairer Criminal Records System

FairChecks is calling for an overhaul of the criminal records system, which currently leaves too many people unfairly anchored to their past. We have three key asks: *Remove Criminal Records for Cautions.* Cautions are used for minor offences like graffiti or shoplifting that are better resolved without going to court. Many people accept cautions without realising they carry a criminal record, and will continue to show up on standard and enhanced DBS checks for years. The government's new system for cautions will mean people have to tell employers about a caution for three months after accepting it. This will blight the job prospects of thousands more people who will have to reveal a minor offence. *Wipe the Slate Clean for Childhood Offences*: Childhood criminal records often follow people into adulthood, hampering their efforts to find work or pursue further study. Everyone deserves the opportunity to start their adult life without past mistakes continuing to haunt them. All minor offences should be automatically removed from young people's records at 18 and there should be an opportunity for more serious offences to be wiped from the record through a review process. Stop Forcing People to Reveal Short Prison Sentences: Around 10,000 people each year receive a prison sentence of less than one month. After a certain period, a short prison sentence no longer appears on a basic criminal record check. But lots of jobs require more detailed enhanced checks. Anyone who has served a prison sentence, even for just one day, or been given a suspended prison sentence must reveal this to employers forever if they want to work in the NHS, social services, and many other jobs.

Conclusion: For victims of modern slavery, half of the legal battle is having their account believed by the authorities to access much needed state support. The other half is having those responsible for their treatment brought to justice. This is the second time the claimant has won in court on this matter, and the fifth time she and her lawyers have resorted to public law remedies to get the prosecuting authorities to take her seriously. Poor police investigations and failed prosecutions are common for victims of modern slavery, and it is unfortunate that the only method of challenge available is judicial review. This reluctance to prosecute alleged traffickers and exploiters often contrasts sharply with the authorities' enthusiasm for prosecuting the victims themselves as though they were the prosecutors.

Prison Reform Trust - Review of the Parole System

The Government has published a root and branch review of the parole system, meeting a manifesto commitment. It's no accident that it did so on the day the Deputy Prime Minister announced that he was challenging the Parole Board's decision to allow the release on licence of the woman convicted in 2009 of causing or allowing the death of "Baby P" in a case that would lay bare many failings of child protection practice. This is about the fair fundamentals. Prisons really crystallise issues of fairness. Do we owe a duty of fairness to people who have murdered? Does stigma matter if enough people think it's deserved? Should anyone care about prisoners while the victims of their crimes are suffering more than they are? The headline change that this review trumpets is that the Secretary of State personally will decide whether some prisoners can be released once the period set by the court for punishment has expired. At the moment this decision is taken by the independent Parole Board acting in a quasi-judicial capacity.

The review is very hazy about just which prisoners it wants to be affected. In theory it could be hundreds of decisions each year, each with supporting documentation that can run to hundreds of pages. In practice, no one is in any doubt that ministers are interested in the cases that make the news. This all started with a Parole Board decision to release John Worboys, the so-called "black cab rapist". That moniker in itself explains a lot about the issue. His offending was dreadful, though sadly not the worst that the Parole Board will consider. But we trust black cab drivers. So it probably shouldn't have been a surprise that the promise of a review of the parole system should earn a line in the Conservative party manifesto in 2019. No-one would deny that public concern is real. But on any objective measure, the Parole Board operates more successfully than most parts of our dysfunctional criminal justice system. With reconviction rates generally at around 50% for people released from prison, fewer than 1 in 100 people released through the parole system go on to commit a further serious offence.

However, What Has Emerged From The Review is Unfair in Several Different Ways.

In the 1980s, ministers had the final say on the release of many people serving what are known as "indeterminate sentences", where a person can only be released both once a minimum term for punishment has been completed, and where they are no longer considered to pose a risk to the public. That changed because the courts – including the European Court of Human Rights – concluded that decisions on a person's liberty required both independence and procedural safeguards which decisions taken by a politician couldn't guarantee. It's still unfair to let an individual's future – however grave their crime – be sacrificed to the electoral calculation of a member of the executive. The separation of powers is a bastion of fairness.

It's unfair because notoriety is random. Some serious crimes attract more attention than others. The degree to which public attention is then maintained can be driven by any number of different factors, from a striking photograph, to particularly memorable details, to the involvement

either to physical attacks or to prison policies of isolation and solitary confinement, both of which are designed to crush their beliefs. In support of this resistance, to share their hunger and to echo their voice and demands Sinan Ersoy in London and Zehra Kurtay in Paris began a 30-day solidarity hunger strike on 26 February 2022. Sibel and Gökhan are reaching a critical stage of their hunger strike, and we are asking you to help echo their voice. International solidarity does make an impact on the fascist Turkish government.

Released From Unlawful Detention in Hospital After 37 Years

After being found 'guilty but insane' by the Court of Appeal of The Bahamas on 27th February 1985, Eric Stubbs was sentenced to indefinite detention in hospital at the pleasure of the Governor General. He was held in extremely restrictive conditions for 37 years and subject to solitary confinement for 32 of those years. On 15th December 2021, the Judicial Committee of the Privy Council allowed Mr Stubbs's appeal on the basis that the sentence imposed on him was in breach of the principle of the separation of powers and therefore unconstitutional and unlawful. The sentence made no provision for regular reviews by a court or tribunal in order to determine Mr Stubbs's progress and whether his detention continued to be justified. It was Mr Stubbs's case that he had for some time been well enough to be discharged into the community, but that the lack of a review mechanism prevented consideration being given to this. Following the Privy Council's order, the matter was remitted to the Supreme Court of The Bahamas, which, on 28th February 2022, approved Mr Stubbs's discharge from hospital. This was the first time Mr Stubbs had left hospital since 1985.

Unanimous Acquittals in Multi-Handed Case

Following a 7 week trial at Harrow Crown Court, Farrhat and Tunde's clients were unanimously acquitted of conspiracy to murder, and possession of a firearm and ammunition with intent to endanger life. Both barristers were acting alone. In the early hours of the morning of Saturday 29 August 2020, the complainant was shot at a number of times whilst driving his car near where he lived. The prosecution case was that movements of each of the defendants that night, together with the pattern of phone calls and messages between them, reveal that the shooting of the complainant was a planned attack in which each of the defendants was involved.

Murder Defendants Acquitted

The defendants were 15 year olds from Tottenham charged with joint enterprise murder in February 2021. After a trial lasting over three months, the Old Bailey jury returned unanimous not guilty verdicts against both on murder and manslaughter, with a guilty verdict on conspiracy to rob.

EncroChat Acquittal at Central Criminal Court

Richard Thomas and Peta-Louise Bagott secured the acquittal of their client, alleged by the prosecution to be a contract killer. He was acquitted of conspiracy to murder after a ten week trial at the Central Criminal Court. The case centred on evidence obtained by law enforcement agencies' successfully accessing to the EncroChat network. The prosecution case was that the defendant was the 'hit man' hired by gang members in Turkey to kill a rival in London. It was said that the criminality was both serious and sophisticated, involving the use of encrypted handsets and ready access to numerous firearms. The evidence included covert recordings of another defendant providing what was said to be a narrative that implicated others. This led to extensive legal argument about the admissibility of acts of declarations in furtherance of a conspiracy.

Acquitted of Both Murder and Manslaughter

After an eight-week trial at Woodgreen Crown Court, Emma Goodall QC secured the acquittal of her client for murder and casting a corrosive fluid with intent. The prosecution alleged that the three defendants ambushed the deceased in a crack den. They attacked him and his associate by spraying a corrosive substance before chasing them into the street where the deceased was stabbed in broad daylight. The fatal attack was said to have been witnessed by an independent witness who was granted anonymity at trial. The defence persuaded the jury that the deceased and his associate had in fact been the aggressors and that the anonymous witness was mistaken in his account. The jury returned unanimous not guilty verdicts against all defendants on all charges.

Altaf Hussain Acquitted of Two Counts of Encouraging Acts of Terrorism

Rupert Bowers QC instructed by David Corker of Corker Binning successfully defended Altaf Hussain who was acquitted on Tuesday of two counts of encouraging acts of terrorism. Mr Hussain is the leader of the Pakistani political party MQM but has been in exile in England since 1992. The MQM represents the rights of the Mohajir community in Pakistan who are often the subject of state oppression. Mr Hussain was accused of encouraging acts of terrorism by delivering a speech in 2016 to those assembled at a hunger strike in Karachi organised in protest against the media ban imposed upon the reporting of his speeches. The speech was delivered to Karachi by telephone from Edgeware and violence ensued in Karachi in its wake. However, Mr Hussain's acquittal indicates that the jury were not sure that Mr Hussain intended those consequences from what he said to those assembled at the peaceful protest.

Victory for Freedom of Expression for 80 Year Old Protestor

On 11 December 2020, on the fifth anniversary of the Paris Climate Agreement, Rev Parfitt together with a handful of others, blocked an access road to the Ministry of Defence site at Abbey Wood in Bristol. The purpose of the demonstration was to draw attention to the fact that the UK Government was not meeting its Paris commitments to limit global warming to 1.5oC because it had doubled defence spending and excluded military emissions from the UK carbon budget. Rev Parfitt sat on a chair in the access road for 4 hours blocking vehicle access. Pedestrians and cyclists had unfettered access. The general public highway was unaffected. The only disruption the Prosecution could prove had occurred was that a total of 7 vans bringing either food or maintenance workers were unable to gain access until the road was reopened at 11am when the police brought the protest to an end by arresting and detaining Rev Parfitt. The protesters had made arrangements to facilitate access by disabled badge holders and emergency access, should the need arise, and undertaken a Covid risk assessment. In a wide ranging legal argument considering both common law and ECtHR jurisprudence on the right to protest on the public highway, David Rhodes argued: (1) the Rev Parfitt had a lawful excuse, in that her use of the highway to exercise her freedom of expression was a reasonable use of the highway; and (2) that in any event, where her fundamental rights were engaged, the state's restrictions of those rights by limiting the protest, arresting, detaining and prosecuting her was not necessary and proportionate in a democratic society in pursuit of a legitimate aim: Ziegler [2021] UKSC 23. In Ziegler the Supreme Court held that "there must a certain degree of tolerance to disruption to ordinary life, including disruption to traffic, caused by the exercise of the freedoms of expression and assembly." The Crown Court having reviewed the particular facts of this case, and considering reasonableness and proportionality, held that the Prosecution had not proved that Rev Parfitt's use of the highway to exercise her freedom of expression about a very important matter of public concern (namely climate change) was an unreasonable use of the highway.

taken from her. Her movement was sometimes restricted in that she was sometimes locked in the family home when [her employers] were out, and other times she was prevented from leaving the family home without permission. She did not have access to medical care when sick. The claimant escaped and contacted the charity Kalayaan, which provides essential support to migrant domestic workers. She entered the National Referral Mechanism and was found to be a victim of trafficking. This was on the basis that she had been deceived as to the salary she would receive and the hours she would work. Her certificate of sponsorship said one thing, but the treatment she experienced was totally different. This issue of deception would be a key issue for the court in her judicial review proceedings. COL also reported her former employers to the police and has been battling to have them charged ever since. This present judgment is the second in the claimant's favour in two years: judicial proceedings in 2020 also led to the High Court quashing a "fundamentally flawed" CPS decision.

Was the Claimant "Deceived" Into Exploitation? In deciding whether to charge the alleged traffickers this time around, the CPS explored several possible offences. One was "trafficking people for exploitation" contrary to section 4 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004. On facts like these, a crucial element of that offence — since superseded by new legislation — was deception of the victim by their alleged traffickers. The CPS looked at the claimant's certificate of sponsorship and, strangely, held that the breach of its terms only amounted to evidence of deceit of the UK immigration authorities, but not the claimant herself. It concluded therefore that the evidential threshold for charging under this offence wasn't met. The court rejected this, finding that the CPS was overlooking the significance of the certificate to the claimant: the defendant's conclusion that this documentation could only prove a deception of the UK authorities is misconceived and unsustainable. These were documents that the claimant was required to sign as part of the visa process and as part of a sensible system of documenting the substance of the employment contract… The inclusion of the payment of £1000 a month within that documentation was capable of amounting to not simply a deception of the UK authorities but also the claimant, who was required to sign the documentation and would have been aware, therefore as she said, of what she was promised to be paid in the UK. The court found that the CPS's conclusions on the 2004 Act were "unsustainable". A pretty ugly last-gasp argument by the defendant on the deception point was that COL may have, in effect, been in on it – that she knew she would be paid less than £1000 a month and so was technically party to the deception. Mr Justice Dove said that "this would amount to an extremely unattractive defence, to put it as neutrally as possible".

Relationship of "Employment" or Dependence? There is also some helpful guidance on how someone's immigration status can accentuate their vulnerability to abuse by their employer – a recognised danger for migrant domestic workers. The CPS considered whether an offence might have been committed under section 1 of the Fraud Act 2006 (whether there had been an "abuse of position") but concluded that the claimant was not sufficiently dependent on her alleged traffickers for this offence to be made out. In justifying this the CPS stated that the claimant was in a mere employment relationship, which wasn't enough to engage the offence. Again, the court held the CPS's reasoning here to be fatally flawed, and listed some of the features of the relationship which went beyond a mere employment relationship: In short, this was not simply a relationship of employer and employee: it was a particular relationship in which not only the question of employment, but also the provision of accommodation, and most pertinently the dependency of her immigration status in the UK on her sponsor and continued employment were integral elements of their relationship. The potential for exploitation in these circumstances was clear and these were features well beyond the simple relationship of employer and employee clearly capable of giving rise to an expectation of the kind envisaged in section 4 of the 2006 Act.

are calling for urgent investment in the sector to ensure those 'charged with representing the most vulnerable in society' have adequate pay and are well supported in their roles. 'Legal aid practitioners contrasted their initial high hopes and clear motivation to pursue a career in legal aid – such as tackling injustice, supporting local communities, enabling social change and improving access to justice – with a bleak and dispiriting reality: the legal aid sector is heavily relied upon but insufficiently equipped, mired in bureaucracy and inefficiencies, and beleaguered by persistent efforts to further reduce available resource. Whilst legal aid practitioners expressed feeling high levels of satisfaction with their work and a continued commitment to the factors that motivated them to pursue a career in legal aid in the first place, the findings call into question the extent to which the good will of the profession can be stretched endlessly.'

Far from being the 'fat cat' lawyers depicted in the press, one in five legal aid lawyers indicated a salary level between £30,000 and £39,999 (19%) and more than half (58%) earned less than £49,999. Almost one in 10 practitioners (8%) earned less than £19,999 which included qualified solicitors (18%) and 'several' heads of department. Of those earning £240,000 or more, almost nine out of 10 (87%) were barristers and only one respondent holding the role of solicitor. The LAPG note that barristers' rates of pay are subject to a reduction in earnings by way of rent payable to chambers 'I work really hard and only just being able to scrape by in London on trainee minimum salary makes me feel immensely undervalued and demoralised,' one respondent said. Another noted that '[i]f I calculate the hours I put in, to the salary I receive, I'm paid around the minimum wage'.

Approximately one in three respondents identified 'excessive auditing' and the 'constant battles with the Legal Aid Agency for payment' as a reason for their unhappiness with working in legal aid. 'I am diligent, committed and run legal aid at a loss. At audit, all the work is nit-picked over and I am viewed with suspicion,' one respondent said.'The LAA is without a doubt the most stressful part of the job,' said another. 'On three occasions over the last year I have found myself in tears solely because of unreasonable decisions / actions of the [LAA]. In each case, I challenged the LAA and got the funding sorted in the end, but the stress and anxiety to get to that point was enormous as you are forced to work at risk or face not getting paid (at already ridiculously low rates) or exposing your client to adverse costs because funding is not in place. It now feels harder to get legal aid than it does to win the actual case'

High Court Quashes "Irrational" Decision Not to Prosecute Alleged Traffickers

The High Court in COL v Director of Public Prosecutions [2022] EWHC 601 (Admin) has taken the Crown Prosecution Service to task for its decision not to charge the alleged traffickers of a victim of modern slavery. The claimant, a national of the Philippines and a domestic worker, was confirmed as a victim of modern slavery by the Home Office in November 2014. She has since fought tooth and nail with reluctant prosecuting authorities to bring her alleged traffickers to justice; following this judgment it will be the fifth time the case has gone before the authorities for a charging decision. The court held that the Crown Prosecution Service's latest reasons for not prosecuting were so fundamentally flawed as to be irrational. The judgment is a good read for anyone interested in the public law principles of prosecuting perpetrators of modern slavery.

Background: COL came to the UK in 2013 on a domestic worker visa, meaning her immigration status was tied to her employment by a UAE diplomat and his wife. Her certificate of sponsorship specified a 40-hour working week and a salary of £1,000 a month (just above minimum wage at the time). Things did not work out that way, COL said: She claims that… she was required to work 14-15 hours each day and was only remunerated between £100-£200 per month. Her passport was

Weaponising Violence Against Women: From Ireland to Poland

Sophia Siddiqui for Institute of Race Relations, investigates how the murder of Ashling Murphy in Ireland was used by the far Right to push a racist and misogynistic agenda, and how this follows an all-too familiar pattern across Europe, now replicated at the Polish border, that grassroots groups are pushing back against. On 12 January, 23-year-old primary school teacher Ashling Murphy was murdered whilst she was out for a run in Tullamore, Ireland. Whilst an outpouring of grief and rage erupted across the world, far-right groups immediately speculated on the nationality of the perpetrator, spreading false rumours online in order to manipulate her death for an anti-migrant cause, whilst claiming to be 'protectors' of Irish women. But which women are they claiming to protect? How do such narratives which equate strong borders with the defence of women circulate in different contexts, and what does this tell us about the nature of misogyny and far-right racism?

Searching for an Immigrant Suspect: As soon as news broke that the gardai arrested a Romanian suspect (who was later released), social media platforms were flooded with material linking Romanians to crimes and calling for the closure of Irish borders. A petition was set up calling for the deportation of the so-called 'Romanian murderer' and he and his family received death threats after photos were shared online. When the suspect was released with no charges, the focus immediately moved to the next target, a Syrian man living in direct provision in Tullamore, another false rumour. Jozef Puska, a 31-year-old Slovakian national has since been charged. The way in which the murder of Ashling quickly morphed into an online frenzied hunt for an immigrant suspect disappeared the victim herself, turning her into a prop for a racist agenda whilst obstructing a criminal investigation, with the gardai calling for misinformation to stop being shared. The focus of far-right groups was not on the murder of Ashling, but solely on the nationality and immigration status of the perpetrator – revealing that they only care about her death if it can be manipulated for an anti-immigrant cause.

Closing Borders 'in Defence' of Women: Rather than understanding gender-based violence as a global, systemic issue affecting all communities, it has been weaponised by the far Right to call for more immigration controls. In the weeks following the murder of Ashling, the far-right Irish Freedom Party, whose leader Hermann Kelly has said that those talking about the 'great replacement theory have a point', used the tragedy as a justification to push an anti-immigrant agenda, arguing that open borders means 'the free movement of criminals into your locality'. The far-right National Party in Ireland shared similar rhetoric on Twitter that 'women are not safe in multicultural Ireland' and circulated a flyer calling for Irish men to 'man up, make Ireland safe for women and children'. These appeals to masculinity assert that it is a man's duty to protect women against the threat of 'multicultural Ireland' – an attack on women is an attack on their masculinity. 'We the men of Ireland pledge to fight for your honour and the safety of all of Ireland's women and children' stated a member of the National Party after laying a wreath at Ashling's grave in a video posted on social media – in a cynical attempt to present the group as 'defenders' of women and children.

An All-Too Familiar Pattern Across Europe: The linking of migrants and refugees to gender-based violence follows an all too familiar pattern. Following the rape of a 14-year-old girl in Co Wexford in 2019 (for which two Irish teenagers were jailed for this year) far-right accounts spread false rumours that the assailant was an asylum seeker from the Middle East or Africa. In 2018, the killing of 28-year-old Sophia Lösche in southern Germany by a Moroccan truckdriver was weaponised by the far Right to call for an end of immigration to Germany, with her photo car-

ried during a right-wing demonstration claiming to mourn 'the victims of Germany's forced multiculturalism', much to her family's anger. More recently the circulation of false information associating refugees with crime has become pervasive in Poland, as refugees from war-torn Ukraine arrive in the south eastern border city of Przemyśl, with research showing that incidents of misinformation have grown by 20,000 per cent. Fake reports – including rape, false rumours that a man of Middle Eastern origin attacked a woman with a knife and stories of a pregnant woman being attacked on a train[1] – have been circulated on social media by Polish nationalist groups, football hooligan groups and members of the far-right Confederation Liberty and Independence party. Such narratives have fuelled the creation of a 'citizens' police' who have attacked groups of mainly students from African, south Asia and the Middle East, with football hooligan groups claiming to 'cleanse' the city of undocumented people in order to 'defend our women'.

But which women do they claim to defend? Their protection certainly doesn't extend to a female student from Sudan who was attacked by football hooligans in Przemyśl. For far-right groups, gender-based violence is only of importance if it fits their narrative of migrant men attacking white women – obscuring the way that gender-based violence works on an interpersonal and state level whilst erasing black and minority ethnic victims as it suits.

Protection for Whom? For far-right groups in Ireland, anyone who sits outside of the imaginary of the archetypal white straight Irish woman is seen as a threat to the nation. At an anti-mask protest in 2020 a National Party member assaulted an LGBTQ activist with a wooden plank wrapped in the Irish flag whilst chanting 'paedo scum' at her. And as feminists point out, when the victim is non-white, for instance Urantsetseg Tserendorj, a 48-year-old migrant cleaner who was stabbed on a street in Dublin in January 2021 and died in hospital two weeks later, 'nobody was talking about nationality then'. Feminism itself is also seen as a threat, as it supposedly victimises white men. Women's charities were accused of pushing a narrative that all men were to blame for Ashling's murder, and after minister for justice Helen McEntree spoke out about her experiences of feeling unsafe in public, a member of nationalist fringe group Siol na hÉireann encouraged her to walk down the street in Africa or the Middle East and 'see how long you last. They'll have you raped, murdered and your head cut off within half an hour'. Vigils for Ashling were also repeatedly disrupted. At a vigil in Limerick, members of the Irish Men's Rosary, a Catholic group founded by a leading member of a US anti-abortion organisation, reportedly turned up their speakers to drown out the women's voices as they read out the names of victims of gender-based violence[3] and at an online memorial, a man exposed himself on the zoom call and appeared to masturbate – revealing the very nature of the entrenched misogyny that feminists are protesting.

Responses on the Ground: We can clearly see how, by so overtly combining misogyny with anti-immigrant and ethno-nationalist sentiment, these aspects of the far Right reinforce each other. Anti-feminism is not merely a gateway to far-right thought – fused with racism, it is an integral part of far-right ideology. Feminists in Ireland know that this demands an intersectional solidarity in response. Speaking at one of the protests organised in memory of Ashling, Laura Fitzgerald, a representative of the socialist feminist group ROSA highlighted how: 'the movement that we must build has no room for racism and no room for transphobia…racism and transphobia are inextricable from sexism, they're all at the root of the problem and we stand against all of them together and united'. ROSA, established in 2013 following the death of Savita Halappanavar, a migrant woman who died after being refused an emergency abortion at a Galway hospital, campaigns on many issues including ending violence against women,

racism, austerity, trans rights and refugee solidarity. Speaking at a rally for Ashling in Dublin, Laura Fitzgerald drew on the death of Savita which sparked a movement to repeal the 8th amendment (the constitutional abortion ban in Ireland which was repealed in 2018) and the need to make a collective promise to Ashling – never again.

As anti-racist feminists in Ireland know too well, the fight for reproductive justice, the safety of all women and gender non-conforming people and the rights of migrants and refugees are interlinked. And for groups working on the ground with migrants and refugees in Ireland – such as MASI, a group of asylum seekers campaigning to end direct provision; Akidwa, a network which supports migrant women; and MERJ, a group of migrant and ethnic minorities fighting for reproductive justice for all – or in Poland, where volunteers and NGOs are the backbone of relief efforts in the absence of state support, false information about crimes committed by migrants and refugees creates a tense environment. We cannot allow the far Right any room to claim they are 'protectors' of women whilst pushing a racist and misogynistic agenda.

Undervalued and Demoralised': Most Comprehensive Research Into Legal Aid Sector

Samantha Dulieu, Justice Gap: On average legal aid lawyers work 106 minutes for every 60 minutes they are paid under the system of fixed fees, according to a new survey of legal aid lawyers in which the vast majority of respondents (94%) claimed to work more hours than what they were paid to work. The findings were revealed this week by the Legal Aid Practitioners Group in what its claimed to be first ever comprehensive snapshot of the legal aid sector.

Some 1,208 legal aid lawyers plus 255 former legal aid practitioners and 376 students responded to the Legal Aid Census conducted between April and June 2021. A majority of legal aid lawyers reported that when paid on an hourly basis (as opposed to fixed fees) the rates were unsustainable and more than eight out of 10 (85%) said that they worked more hours than they were remunerated for. On average, practitioners working under hourly rates reported working 90 minutes for every 60 minutes of remuneration. Almost one on three respondents (31%) described the level of remuneration as 'unacceptable or insulting'. That said, most legal aid lawyers expressed satisfaction with their choice of career in legal aid: 22% were 'very satisfied' and 41% 'satisfied' with their choice of career (compared to 18% who were unsatisfied).

The research captures the calamitous impact of the 2013 legal aid cuts under the Legal Aid, Sentencing and Punishment of Offenders Act (LASPO). More than six out of 10 of organisations that had ceased to offer legal aid services (61%) explained that this was because it was not profitable or economically viable to undertake the work. In 2013, there were 1,592 firms with criminal legal aid contracts and 1,881 firms with civil legal aid contracts, but these numbers had dropped to 1,104 and 1,445 respectively by last year.

When asked 'what would make the system more effective?', over three quarters of respondents said 'more funding/ investment to allow for fairer fees/ wages' would improve the legal aid system. 'I have previously worked in law centres and believe that everyone should be able to access justice,' one lawyer said. 'I took on the legal aid contract to help those more vulnerable in our community. I knew that I would not have the same salary as solicitors in purely private firms but I did not expect to lose money. I did not expect my workload to be so high, the administration costs and time to be so high and the reward to be so low. If the situation with legal aid does not change then I will have to think about whether I will apply to renew the contract next time.'

The LAPG have said that the findings of the census 'reinforce the dire need for investment in the legal aid system', which they say, is 'effectively being subsidised by practitioners'. They