

Ministers Plan to Expand Whole-Life Sentences for 'Most Horrific' Murderers

Kevin Rawlinson, *Guardian*: Currently rare prison orders with little chance of parole would become default for worst offenders under MoJ proposals. Murderers whose offences have a sexual motivation face spending the whole of their lives behind bars – with no chance of being released – under plans announced by the government on Saturday. Ministers plan to expand the use of the rare whole-life term, the sentence given to the child serial killer Lucy Letby, so it can be handed down to more of the most serious offenders. Under the proposal, the Ministry of Justice said the law would be changed to place an expectation on judges that they take a whole-life order as their starting point in the worst cases – choosing not to impose one in exceptional circumstances. Ministers said they believed changing the law in that way would mean less chance of such orders being overturned on appeal.

The whole-life order is the most severe penalty available in the country's criminal justice system. It is usually reserved for serial killers, or those whose crimes include an unusual aggravating feature – such as abusing a position of power to commit murder. The order, which creates the expectation that an offender will only be considered for release on the most exceptional of compassionate grounds, differs from a life sentence, which also exists for life – but has the possibility of parole after its minimum term in custody has been served. Downing Street said the expanded power it proposed could have been used in the recent murder cases of Zara Aleena and Sabina Nessa, had they brought it in earlier. Jordan McSweeney was jailed for life with a minimum term of 38 years for murdering law graduate Aleena as she walked home in east London, while Koci Selamaj was jailed for at least 36 years for murdering primary-school teacher Nessa in south-east London.

Rishi Sunak said: "I have shared the public's horror at the cruelty of crimes we have seen recently. People rightly expect that, in the most serious cases, there should be a guarantee that life will mean life. They expect honesty in sentencing. By bringing in mandatory whole-life orders for the heinous criminals who commit the most horrific types of murder, we will make sure they never walk free." The justice secretary, Alex Chalk, said: "A whole-life order will now be the expectation for murderers where the killing involves sexual or sadistic conduct. This important law change will ensure that the worst of the worst can now expect to spend the rest of their lives in prison." No 10 said the government would legislate for the changes "in due course".

But Labour, which is pitching itself as a "tough-on-crime" party as it prepares for the next general election, accused Sunak's Conservative government of falling short. The shadow justice secretary, Steve Reed, said: "No one will take any lessons from this soft-on-crime Tory government. Under their watch, nine out of 10 crimes go unsolved and tens of thousands of dangerous criminals including gunmen, child abductors and sex offenders have avoided jail sentences. To make matters worse, our prisons are now full because they failed to build the prison cells we need, forcing judges to hand out softer sentences. Labour is the party of law and order. In government, we will implement tougher sentences for dangerous criminals and build the prison places to put them behind bars."

Letby was sentenced to a whole-life term for the murder of seven babies and the attempted murders of six more. The nurse joins a string of the country's most dangerous offenders who are likely to die behind bars, including Sarah Everard's killer, Wayne Couzens, the necrophiliac David Fuller and terrorist Ali Harbi Ali, who murdered MP Sir David Amess. A total of 70 criminals are serving a whole-life order – four of whom are being held in secure hospitals. They will never be considered for release unless there are exceptional compassionate grounds to warrant it.

In the past, home secretaries could issue whole-life tariffs, as they were previously known, and these are now determined by judges. Under the Police, Crime, Sentencing and Courts Act, which became law last year, the government expanded the use of whole-life orders for the premeditated murder of a child. The reforms also allow judges to hand out the maximum sentence to 18- to 20-year-olds in exceptional cases, such as for acts of terrorism leading to mass loss of life.

Samar Alami: "Be Free Wherever You Are! - Even in Prison"

Prison is one of the worst human inventions. It is an alienating place and negative experience (better not tried first hand!), it's anti-human - it intervenes or restricts every movement you make, every choice you could make, intercepts the air you breathe, how much sky you can see. Losing one's liberty is indeed one of the most painful experiences and dear losses besides losing life. At least to me. As well of robbing you of liberty, in prison you need to forget about privacy and things like proper rest. Your time and space are always interfered with or interrupted.

In the face of all this, one has to search for and dig deep in and hold tight and firm to your inner freedom and dignity. Nothing and no one can take these away or compromise them no matter what. Respect yourself (and others) everywhere and always and everything will be better. Free your mind and spirit. Rise above and beyond your physical hardships and realities and a whole new world and possibilities open up. Always remember no one can stop the time and just as you came in to prison your day to come out must and will come. Prison will only be a chapter in your life, and no matter how long and hard it is, it's never all doom and gloom.

You will encounter lots of human mediocrity and wickedness, selfishness, greed, arrogance and pettiness. But there is also kindness, humour, some friendship, some humanity. No matter how bad are your conditions and treatment, don't let anyone take away your humanity.

Prison is a negative experience to be avoided! If you're in prison because of 'politics' then don't regret your commitment (but always review your actions!). Be prepared for a new struggle, new different serious sacrifices. No matter who you are there is a lot of daily 'wear and tear' and waste of energy and time. A lot of restrictions, crazy rules and contradictions etc. All the time something tests your patience or tolerance. Lots of frustrations, also lots of ignorance, cynicism and maybe some provocations if you're 'politically motivated'. But then you must 'fight back', learn to be patient, let go of a lot of worries, demands, expectations etc. Compromise but don't compromise your basic principles or yourself. Avoid unnecessary battles and arguments. Don't trust easily, let go your guard except in the fewer cases. Defend yourself and answer back, or fight them only on major important issues. Don't let the system wear you out, use its strengths! We each have different circumstances and 'lines' to draw.

At the same time prison can be a positive experience, an opportunity to 'win' and 'grow' despite 'the costs'. As I said you can learn to be patient and tolerant, let go of a lot-of worries- Learn about yourself and others. Reflect on your life, on your case, on your actions. Think about your future, and our future. Learn/try new things or do things you've always wanted to do. Try to concentrate on what you can do rather than can't do. Develop your own mini routine or program, e.g. read 1 book this

week or month, do cell workouts etc, try hobbies, writing, reading etc. Go to the gym, get fresh air when possible. Do something creative like art, craft, music or writing. Try to maintain health and mind. Maintain relations through phone, letters, visits, live mind. Altogether continue life through a different one. Never give up faith and hope. Enjoy the little things, maximize use of whatever is possible and available, but keep an eye out for changes for the better and remember there is a world much bigger than prison and just as real. And keep some 'bridges' to that.

One can find a lot of inspiration from prison writings (there are some anthologies) and books like Mandela's 'Long Walk to Freedom', poems like 'Reading Gaol' by Oscar Wilde, books by Steve Biko, and R. Lovelace. It's good to remember you're part of struggles and traditions worldwide defending humanity/ for justice. No matter why you're in prison remember you're not alone. You will always matter to your loved ones and they will always matter to you.

If you were engaged in some struggle you remain so but in different ways. You can and should maintain dialogue and interaction about the issues and concerns with others. Use the time to review and reflect. If you're in prison for other reasons still prison is a phase of struggle and possible positive change. Issues about your family, friends and community are much the same. It's a social and psychological 'learning pot'. Indeed no matter why you end up behind bars, one needs to try to reconnect to our common humanity. Stay strong, be proud (but not arrogant or self-important). Be humble, learn to give and take from others. No matter how small your world becomes and limited your livelihood you can still broaden your horizons and keep your mind open and heart free.

It's a victory to survive prison without too many scars or 'distortions'. You must and can do it - even though it does take its toll. It is also possible to emerge better and undiminished.

That's a challenge! Samar Alami, HMP Send Circa 2003

Children Reaching UK in Small Boats Sent to Jail For Adult Sex Offenders

Mark Townsend, Guardian: Vulnerable children who arrive in Britain by small boat are being placed in an adult prison that holds significant numbers of sex offenders. A growing number of cases have been identified where unaccompanied children, many of whom appear to be trafficked, have been sent to HMP Elmley, Kent, and placed among foreign adult prisoners. According to the most recent inspection of Elmley, the block where foreign nationals are held also houses sex offenders. Of 14 unaccompanied children so far identified by staff at Humans For Rights Network as being sent to an adult prison, one is believed to have been 14 when they spent seven months in Elmley. Most of the cases involve Sudanese or South Sudanese children who travelled to the UK via Libya, with most appearing to have been trafficked or having experienced some form of exploitation.

There have been calls for the Home Office to launch an immediate investigation into the issue and urgently release anyone believed to be a child who is inside an adult jail. Maddie Harris, of Human Rights Network, said the group had worked with more than 1,000 age-disputed children and that those sent to adult prisons were among the most "profoundly harmed". She said: "These children are locked down in their cells, not knowing who to call for help, prevented from adequately accessing legal advice and from challenging the arbitrary decision made about their ages by immigration officials upon arrival in the UK. These are children looking for safety who instead find themselves in an adult prison, denied that protection and exposed to great harm." Anita Hurrell, head of the migrant children's project at the children's charity Coram, said: "It is wrong to criminalise these children and dangerous to send them to adult men's prisons." The children – whose ages are contested by the Home Office – have been charged with immigration offences introduced under the Nationality and Borders Act, which became law last year and introduces tougher criminal offences to deter illegal

entry to the UK. Lawyers warn that the practice of sending unaccompanied children to adult prisons appears to be increasing. On Thursday, an age-disputed child was identified in Folkestone magistrates court bound for prison, and there were reports that another minor was in police custody in Margate and also expected to be sent to Elmley.

The imprisoning of minors is, say critics, the latest facet of a broken asylum system. On Thursday, the asylum backlog rose to a high of more than 175,000, up 44% from last year, despite government spending on asylum almost doubling. The children sent to Elmley were declared adults by the Home Office following what many experts describe as a "cursory and arbitrary" age assessment by officials, often conducted within hours of them reaching the UK by small boat. A number of Home Office decisions that meant children were sent to an adult prison have already been overturned after detailed assessments by independent or local authority specialists.

New data obtained by the Observer confirms that hundreds of asylum-seeker children are being wrongly treated as adults by the Home Office. According to data from dozens of councils, more than half of the unaccompanied asylum-seeking children who undergo Home Office age assessments on arriving into the UK are later confirmed to be children. Data from 55 councils under freedom of information laws shows that of 1,416 age assessments carried out over the five years to April 2023 by specialist social workers on age-disputed asylum seekers, 809 were found to be children. In 10 councils, all of the young people assessed were found to be children.

Syd Bolton, co-director of Equal Justice For Migrant Children, said: "Age assessment has developed into the most monstrous of procedural devices." Bolton said he considered the practice to be a "deliberate barrier to accessing asylum protection and denying young asylum seekers access to children's services. It is a major tool of the Home Office in discrediting an asylum claim." Wrongly classifying children as adults means they can also be placed alone in unsupervised accommodation alongside adults. In Elmley, Harris said, youngsters shared cells, although a number of age-disputed children had since been released.

According to Elmley's latest inspection, one in four inmates in a survey said they felt unsafe in the jail. It also said that, despite the prison being "no longer designated to hold prisoners convicted of a sexual offence", 70 such inmates were still there. Days ago, details emerged of a paedophile being held at Elmley who was convicted of 14 sex offences and found guilty of abusing two children. Harris added: "The children are always deeply harmed by the time they have spent in prison in the UK, expressing clearly how they are unable to sleep, do not understand why they were held there and struggle to speak about their time there." She added: "It should be made clear that neither adult or child should be criminalised for arriving in the UK to claim asylum, an offence that clearly contravenes the refugee convention."

Hurrell referred to a recent court ruling that unaccompanied minors should be looked after by councils "where they can be kept safe and recover". It is thought that many more unaccompanied children have been placed in adult prisons. Human Rights Network staff attending hearings at Folkestone magistrates court have identified them by noticing a young person contesting the date of birth given to them by immigration officials upon arrival in the UK.

A government spokesperson said: "Assessing age is a challenging but vital process to identify genuine children and stop abuse of the system. We must prevent adults claiming to be children, or children being wrongly treated as adults – both present serious safeguarding risks. "To further protect children, we are strengthening the age-verification process by using scientific measures such as X-rays." The spokesperson added that the government had not been provided with the information needed to investigate the points raised by the Observer, although at the time of publication it had not asked to view any evidence.

Luke Clarke: Prison Staff Contributed to Self-Inflicted Death in HMP Wormwood Scrubs

Luke Clarke was 38 years old when he was found ligatured in his cell in the Covid-19 wing of HMP Wormwood Scrubs on 7 April 2020. He died less than 24 hours after arriving at the prison from St Bernard's Hospital, Ealing, where he had undergone an assessment under the Mental Health Act 1983 (MHA). On the 25th August, a jury concluded that fear and confusion generated by Covid-19 and inadequate care by prison staff and a lack of liaison between the prison and hospital contributed to his death. Luke's death is one of 12 apparently self-inflicted deaths at the prison in the past five years.

Luke was born in St Neot's, Cambridgeshire, but later moved to London as a teenager with his mother and siblings. A protective older brother, his family describe him as a "loving, kind, funny and caring" person. Luke previously ran a window cleaning business with his brother around West London. Luke experienced sexual abuse as a teenager. Subsequently his mental health deteriorated, and he began to rely on drugs and alcohol. In 2004, he was diagnosed with paranoid schizophrenia and was sectioned on a number of occasions. He had a history of serious self-harm and suicide attempts, including trying to jump from a height in September 2019.

Luke was detained by Metropolitan Police Officers on 5 April 2020. One of the police officers who detained Luke said she thought it looked as if Luke was having a psychotic episode. Police officers took Luke to St Bernard's Hospital, Ealing, where he remained in police detention. Following his detention, the police found that Luke had been recalled to prison for failing to comply with all of his licence conditions. At the hospital, Luke was assessed and considered to potentially have Covid-19. The jury, however, heard from various police and prison officers that they understood Luke to be Covid-19 positive. In the early hours of 6 April 2020, a psychiatrist assessed Luke at the hospital. She considered that he did not have capacity, and recommended that Luke should be detained under the MHA. A second psychiatrist who saw Luke several hours later found him to be presenting differently. In her opinion, Luke's earlier behaviour had been due to cannabis intoxication. She decided that Luke did not meet the criteria for detention under the MHA, and that he could be cared for in prison.

Police officers subsequently took Luke to HMP Wormwood Scrubs. The jury heard evidence that a Metropolitan Police Custody Sergeant and a Senior Officer at the prison agreed that Luke should be taken by police directly to the prison rather than into police custody. Since they believed that Luke had Covid-19, they wanted to reduce contact with other individuals and the need to sterilise spaces where Luke had been. Prison officers also decided that Luke should not be taken to the reception area of the prison, but should be taken directly to the prison's designated Covid-19 isolation wing. Two police officers, together with two prison officers, took Luke to a cell on the Covid-19 wing. Conflicting evidence was heard as to whether the full reception screening process was carried out once Luke was in the cell. A form with questions about suicide and self-harm was not completed. At 2.50pm the same day, a reception nurse went to see Luke. The nurse gave evidence that she had not been provided with the correct PPE to carry out the assessment. Her managers at the time gave evidence that she had been provided with this. The nurse conducted the reception screening, which includes questions about an individual's mental health, through the hatch of the cell door. She stated that Luke refused to engage with her unless he was unlocked and was able to speak to her face to face, as would be the normal procedure.

CCTV footage showed that the nurse spent a maximum of one minute thirty-six seconds conducting the assessment. Shortly after 5pm, prison healthcare received the second psychiatrist's assessment of Luke from the hospital. A prison GP and the reception nurse discussed Luke, albeit conflicting evidence was given as to what was discussed, and the GP decided not to go to see Luke. At around 5pm Luke tried to push past an officer who had opened the door to his cell to deliver food. The officer pushed Luke back into the cell.

Evidence was heard that at no time did prison or healthcare staff consider opening an ACCT, a safety plan for prisoners considered to be at risk of suicide or self-harm. Just before 9.30pm a night duty officer gave evidence that, having turned the cell light on, he saw Luke standing in the middle of his cell and that Luke gave him the thumbs up sign. No further checks were made on Luke throughout the night, despite the prison's policy that all first night prisoners should have hourly checks. The night duty officer did not conduct the required 6am roll call check. At around 9.30am on 7 April 2020, a prison GP went to see prisoners on the isolation wing. She gave evidence she did not know Luke was there as he did not have a name plate on his cell door. Prison officers and healthcare staff went to see Luke at around 11am. He was found ligatured in his cell.

The jury concluded that Luke died as a result of asphyxia. They found that a number of failures contributed to his self-inflicted death, including: Inadequate care by a prison officer overnight on 6-7 April 2020; Inadequate steps to ensure that it was known that he was in cell 80 (throughout the period of his detention); The fact that Luke had been isolated in his cell, with very minimal human interaction; The brevity of the prison nurse's interactions with Luke (in a purported reception health screen) and inadequacies in the response of more senior healthcare staff; Inadequate reception screening by prison officers; The failure to open an 'ACCT' document (which gives rise to implementation of observations and other specific measures of support); Inadequate liaison between hospital and prison; Inadequate planning by the prison for Covid-19. They also found that the fear and confusion generated by the Covid-19 pandemic among staff and prisoners at HMP Wormwood Scrubs, as well as other institutions, contributed to his death. They noted that due to Covid-19, usual procedures at the prison were not followed, and alternative procedures were at the time not fully developed, nor was there clear accountability for the regime on the wing where prisoners with Covid-19 were isolated.

The family await the coroner's decision on whether he will make a report to prevent future deaths. Luke's family said: "Our family welcome the jury's findings. The lack of care, and failure of staff to follow protocols, as well as the failure to put in place appropriate procedures, at HMP Wormwood Scrubs during Covid-19, contributed towards Luke taking his own life. We hope Luke's death is not in vain, and that changes within the prison following Luke's passing, and the way healthcare information is communicated from hospital to the prison, will prevent future loss of life."

Helen Stone of Hickman and Rose Solicitors, said: "The jury's conclusions indicate that the staff working at HMP Wormwood Scrubs fundamentally failed in their duty of care towards Luke and that, as at the beginning of April 2020, the provisions put in place to respond to the impact of covid were inadequate and dangerous when applied to already vulnerable prisoners." An INQUEST spokesperson said: "Luke was sent to prison and within 24 hours he was dead. He needed care and support for his mental ill health, not criminalisation. Luke was neglected by a prison which has a long record of failing to protect the health and wellbeing of those who are owed a duty of care. We must urgently dismantle prisons and redirect resources to holistic, community-centred mental health services."

Violent Attack on Feminist Punk Band, Pussy Riot - Violation of Articles 3 & 10

The case concerned the Pussy Riot punk band's complaint that they had been attacked by Cossacks while performing a new song in Sochi during the 2014 Winter Olympics. They had been grabbed, pushed and pulled, lashed at with a whip and had pepper gas sprayed in their faces. The Cossacks, who are financed and closely controlled by the State when involved in maintaining public order, had been assisting the police during the 2014 Winter Olympics. The Court found that the State had been responsible for the Cossacks' use of force, which had not been justified in any way and which had prevented the band from performing their protest song and from peacefully exercising

their freedom of expression. The Cossacks' attack, which had been particularly violent, had not only caused the band pain and injury but had to have also humiliated and frightened them. It had amounted to degrading treatment within the meaning of the European Convention.

The applicants were five Russian nationals who were members of the feminist punk band, Pussy Riot, founded in late 2011. The band are known for their impromptu performances of songs which are critical of the Government. Two of the applicants had been sentenced to two years' imprisonment after attempting to perform one of their songs at the altar of Moscow's Christ the Saviour Cathedral in 2012 (see *Mariya Alekhina and Others v. Russia*). On 19 February 2014 the applicants, wearing their trademark brightly-coloured balaclavas, attempted to sing a new protest song "Putin Will Teach You to Love the Motherland" at the seaport in the Tsentralnyy district of Sochi, which was hosting the XXII Olympic Winter Games.

According to the band, they had just started their impromptu performance in front of an Olympic billboard when ten men, several in Cossack uniform, grabbed them, ripping off their balaclavas, pushing and pulling their arms, and lashing at them with a whip. Three of the applicants were thrown to the ground and/or sprayed in the face with pepper gas, while another was hit over the head with his guitar. They had to abandon their performance after about two minutes. They immediately went to hospital, where injuries including scratches, bruises, contusions, swelling and chemical burns to the eyes were recorded. Also on the same day the applicants reported the incident to the police, complaining about the attack and stating that the police, who had arrived while it was underway, had neither reacted to the violence nor to the applicants' request that they arrest their attackers.

Although a pre-investigation inquiry was carried out, with the police interviewing several Cossacks as well as eye-witnesses to the incident and taking into account video recordings and medical reports, no criminal proceedings have ever been opened. The authorities' most recent refusal to institute criminal proceedings was in March 2015, the last of ten such decisions; the other nine were set aside as unlawful and unfounded. The most recent decision established that a "scuffle" had taken place between the Pussy Riot band and four members of the Kuban Host Cossack Association, during which two of the applicants had been injured. However, none of the injuries had been classified as damage to health and the authorities had therefore declined to prosecute for want of elements of a crime. The applicants' subsequent appeals to the courts were all unsuccessful.

Complaints, procedure and composition of the Court: Relying on Article 3 (prohibition of inhuman or degrading treatment) and Article 10 (freedom of expression), the applicants alleged that the State had been responsible for the violent attack against them by the Cossacks, and that such ill-treatment had been in order to repress their artistic performance and political speech. They argued in particular that the State had failed to take into account the context in which the performance had taken place and that, even if it had been provocative and could have been considered offensive, the use of such force as whips could not be justified in a democratic society. They also alleged that the authorities had failed to carry out an effective investigation into the incident, in further violation of Article 3. The application was lodged with the European Court of Human Rights on 7 May 2015. The non-governmental organisations, the Committee against Torture and the Memorial Human Rights Centre, were granted leave to intervene as third parties.

Decision of the Court: The Court decided that it had jurisdiction to deal with the case, as the facts giving rise to the alleged violations of the Convention had taken place before 16 September 2022, the date on which Russia ceased to be a Party to the European Convention. Firstly, the Court observed that the applicants' account of the attack had not been disputed. It had been supported

by medical records, witness statements and video recordings available on the Internet, confirming in particular that there had been no warning before the attack and that the applicants had not acted in any manner which could have warranted the use of force against them. The Court therefore found that the attack, which had included such violent acts as whipping, had been established "beyond reasonable doubt". That treatment had not been compatible with respect for the applicants' human dignity and had been sufficiently severe for Article 3 to be applied in the case.

Next the Court went on to find that the authorities' response to the applicants' credible allegations of ill-treatment had been limited to a pre-investigation police inquiry, and as such had been indicative of the Russian State's failure to comply with its obligation under Article 3 of the Convention to carry out an effective investigation. Nine out of the resulting ten decisions refusing to institute criminal proceedings had been set aside as unlawful and unfounded and the most recent decision, although not set aside, had the same shortcomings.

The Court itself also noted a number of shortcomings in the police inquiry. In particular, the authorities had not assessed what status and responsibility as State agents the four Cossacks identified in the inquiry had had, even though two of them had acknowledged being on duty or on a mission to maintain public order and in Cossack uniform at the relevant time and the third had been supervising the Cossack guards on State service in the district in which the incident had occurred. There had been no identification parade of the four Cossacks, and no effort had been made to identify the remaining attackers. Nor had there been any attempt to identify or question the police officers who had arrived during the attack or to find out why they had not immediately established and recorded the attackers' identities and their whereabouts. Furthermore, contradictions in the four Cossacks' statements had never been resolved: one had denied the use of force and whips, while another had acknowledged having seen a whip being used; and yet another Cossack had stated that none of the participants in the incident had been in Cossack uniform, whereas two Cossacks had made statements to the contrary. Moreover, despite all four Cossacks publicly explaining that they had found the applicants' performance to be outrageous and offensive, the authorities had not investigated whether the violent attack had been motivated by political and/or religious sentiment. The Court concluded that the authorities had therefore failed to carry out an effective investigation capable of leading to the identification and punishment of those responsible, in breach of Article 3.

Concerning responsibility for the attack, the Government argued that the Cossacks had not been on duty at the time and had acted in their private capacity. The Court noted, however, that the Cossack service was financed and closely controlled by the State. The authorities had indeed involved the Kuban Cossacks in assisting the police at the Sochi Winter Olympic Games, with special funds allocated to the regional budget. Two of the attackers at least had been wearing their uniform, and could therefore have been seen as officially exercising their duties in maintaining public order. All in all, there had been a direct connection between the Cossacks' attack and their duties in maintaining public order. The State should therefore be held responsible, regardless of whether the Cossacks had been formally on duty or not. Moreover, use of force by Cossacks had not been regulated by the domestic law at the time, and it was unclear whether their fitness to maintain public order had been assessed and whether they had received any official training or supervision. Against the background of the police's striking passivity, the Court found that the Cossacks' unjustified use of force had injured the applicants, causing them physical pain, humiliation, fear, anguish and a feeling of inferiority. It had amounted to degrading treatment, for which the Russian State had been responsible.

Article 10 In view of the findings under Article 3, the Court considered that the State had also been responsible for preventing the applicants from carrying out their performance in Sochi. It had therefore failed to allow them to peacefully exercise their freedom of expression, in violation of Article 10. Article 41 (just satisfaction). The Court held that Russia was to pay each applicant 15,000 euros (EUR) in respect of non-pecuniary damage and EUR 7,200 in respect of costs and expenses.

French Sex Workers Trade Union - Make Significant Application to ECtHR

Court declares admissible applications from individuals lawfully engaged in prostitution and claiming to be victims of law criminalising purchase of prostitution services In its decision in the case of *M. A. and Others v. France* (application no. 63664/19) the European Court of Human Rights has, by a majority, declared the applications admissible. The decision is final. The applications concern the creation, under French criminal law, of the offence of purchasing sexual relations. According to the applicants, who engage lawfully in prostitution, the possibility of criminal proceedings being brought against clients pushes those engaged in prostitution into operating in a clandestine manner and in isolation, exposes them to greater risks for their physical integrity and lives, and affects their freedom to define how they live their private lives. They argue that, in consequence, it breaches their rights under Articles 2, 3 and 8 of the Convention. Without ruling on the merits at this stage, the Court declared the application admissible after acknowledging that the applicants were entitled to claim to be victims, within the meaning of Article 34 of the Convention, of the alleged violation of their rights under Articles 2, 3 and 8. The decision does not prejudice the merits of the application, on which the Court will rule in a subsequent judgment.

Principal facts: The applicants are two hundred and sixty-one men and women of various nationalities: Albanian, Algerian, Argentinian, Belgian, Brazilian, British, Bulgarian, Cameroonian, Canadian, Chinese, Columbian, Dominican, Equatorial Guinean, Ecuadorian, Spanish, French, Nigerian, Peruvian, Romanian and Venezuelan, who state that they “are habitually engaged in prostitution, in a lawful manner under the provisions of French law”. They complained about the criminalisation of the purchase of sexual relations, even between consenting adults, introduced by Law no. 2016-444 of 13 April 2016 “to strengthen the fight against the prostitution system and provide support to prostituted individuals”, and codified in Articles 611-1 and 225-12-1 of the Criminal Code. The applicants submitted witness statements to the Court, describing how their situation had deteriorated in the period since the purchase of prostitution services had been criminalised.

On 1 June 2018 the Syndicat du travail sexuel (a trade union for sex workers) and the NGOs Médecins du monde, Parapluie rouge, Les amis du bus des femmes, Cabiria, Griseldis, Paloma, AIDES and Acceptess-T, as well as five individuals, including four of the applicants in the present case (T.S., application no. 24387/20; M.S., application no. 24393/20; C.D., application no. 24391/20; and M.C., application no. 64450/19) applied to the Prime Minister, requesting that Decree no. 2016-1709 of 12 December 2016 be revoked with regard, in particular, to the awareness-raising course on combating the purchase of sexual services, an additional penalty introduced by the Law of 13 April 2016 codified in Articles 131-16 9o bis and 225-20 I 9o of the Criminal Code.

On 5 September 2018 they applied to the Conseil d’Etat seeking to have set aside, for abuse of power, the Prime Minister’s implied rejection. They asked that the Conseil d’Etat refer a question to the Constitutional Council concerning the compatibility with the rights and freedoms guaranteed by the Constitution of Articles 611-1, 225-12, 131-16 9o bis and 225-20 I 9o of the Criminal Code, as amended by the Law of 13 April 2016. The Conseil d’Etat transmitted this question to the Constitutional Council, which issued its decision (no. 2018-761 QPC) on 1 February 2019.

In a judgment of 7 June 2019, the Conseil d’Etat dismissed the application. Referring to the Constitutional Council’s decision of 1 February 2019, it rejected the argument concerning the alleged unconstitutionality of Articles 225 12-1 and 611-1 of the Criminal Code. It then dismissed the argument based on Article 8 of the Convention, with the following reasoning: “ ... where it is imposed, prostitution is incompatible with human rights and dignity. The decision to outlaw demand for paid sexual relations, through the creation of the criminal offence introduced by

the impugned provisions of the Law of 13 April 2016, is based on the finding ... that, in the vast majority of cases, persons who engage in prostitution are victims of procuring and human trafficking, which are made possible by the existence of this demand. In those circumstances, although the impugned provisions are capable of including sexual acts presented as having taken place freely between consenting adults in a private location, they cannot, having regard to the general-interest aims that they pursue, be regarded as amounting to excessive interference with the right to respect for private life, protected by Article 8 of the Convention.”

The application was lodged with the ECtHR on 6 December 2019. Relying on Articles 2 (right to life) and 3 (prohibition of inhuman or degrading treatment) of the European Convention of Human Rights, the applicants alleged that the French legislation criminalising the purchase of sexual relations seriously endangered the physical and mental integrity and health of individuals who, like them, engaged in prostitution. Relying on Article 8 (right to respect to private life), the applicants argued that the fact of making it a criminal offence to obtain sexual services in exchange for payment, even where this occurred between consenting adults and even in purely private places, radically encroached on the right to respect for the private life of individuals engaged in prostitution and of their clients, in so far as this included the right to personal autonomy and sexual freedom.

Decision of the Court: Without ruling on the merits at this stage, the Court declared the application admissible after acknowledging that the applicants were entitled to claim to be victims, within the meaning of Article 34 of the Convention, of the alleged violation of their rights under Articles 2, 3 and 8. The decision does not prejudice the merits of the application, on which the Court will rule in a subsequent judgment.

UN Torture Expert Urges UK Government to Review Indefinite Sentences

Haroon Siddique, Guardian: A UN torture expert has called on the UK government to urgently review all sentences imposed on prisoners held indefinitely under the “widely discredited” imprisonment for public protection (IPP) scheme. Alice Jill Edwards, the special rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, said the sentences, scrapped in 2012 but without retrospective effect, caused severe distress, depression and anxiety among both prisoners and their families. On Wednesday describing the IPP scheme as “deeply flawed” and “regrettable”, Edwards said: “I’m particularly concerned about the higher rates of self-harm, suicidal ideation, suicide attempts and actual suicide among the IPP prisoner population. That in and of itself should really ring alarm bells and as to the damage that this is causing individuals. I do believe some of these sentences may have become – or are – inhuman and degrading.”

Her comments echo those of parliament’s justice select committee, which said last year that all IPP prisoners should be resentenced. This was rejected by the government. Edwards said she had written to the government questioning “how the IPP sentencing system as it remains in its current guise is compatible with their human rights obligations, and, in particular the absolute prohibition on torture and other cruel, inhuman and degrading treatment or punishment”. She said IPP prisoners are reportedly two and a half times more likely to self-harm than the general prison population, while government figures published in 2021 showed 65 IPP prisoners had killed themselves. When released from jail, IPP prisoners can be sent back to detention at any time and often have been for relatively minor breaches of their licence. Whether they have to remain on indefinite licence is reviewed after 10 years out of jail although the government is considering whether that period should be halved. More than half – 1,597 – of the remaining 2,909 IPP prisoners, as of 30 June, have been recalled to custody. Edwards said that for years there had been insufficient and inappropriate resources to manage IPP prisoners effectively, with few having

access to the rehabilitation programmes needed to demonstrate a reduction in their risk to the public. "Without these safeguards, we are left with the mess that is the UK's IPP system, where people are held without being able to prove that they deserve to be released," she said. "It is therefore not surprising that many IPP prisoners are in a much worse mental state than at the time they were sentenced." She stressed that it was not acceptable for the UK government to cite resource shortages in an attempt to justify deviation from its human rights obligations. A MoJ spokesperson said: "This government has already reduced the number of IPP prisoners by three-quarters since 2012 and is providing further support to help those still in custody progress towards release. We are carefully considering what additional measures might be put in place."

Ex-Prison Officer Jailed For Possessing White Supremacist 'Murder Manual'

Robyn Vinter, Guardian: A neo-Nazi former prison officer who ran a fascist fitness club has been sentenced to 15 years in prison for possessing a terrorist handbook. Ashley Podsiad-Sharp, 42, from Barnsley was convicted at Sheffield crown court of possessing a white supremacist "murder manual" on an encrypted hard drive. Podsiad-Sharp, who worked at the Leeds men's prison HMP Armley until his arrest in May last year, was described as an "extremely dangerous" man who was likely to have eventually committed terrorist acts or incited others to do so. Counter-terrorism police found he possessed a document called the White Resistance Manual, which contained advice on how to kill people in a race war and how to avoid detection from police. Calling himself "Sarge", Podsiad-Sharp also ran White Stag Athletics Club, which was described by judge Jeremy Richardson KC as "a cauldron of self-absorbed neo-Nazism masquerading as a low-grade, all-male sports club". It was used to "camouflage your real purpose, to incite violence against those you hated". New members were asked if they were homosexual, mixed race or had Jewish or Muslim heritage as part of the vetting process for joining the white supremacist group, which Richardson said was for "inciting hatred" and "encouraging acts of violence" among the "ignorant and disillusioned men".

Podsiad-Sharp called himself the "commander" and talked about his Nazi heroes, who included Joseph Goebbels and Adolf Hitler. During the trial, the jury watched a video the self-described neo-Nazi made after being fired from his job, in which he said: "They didn't get rid of me. It's been a real good 'un this job actually. Kicking arse and taking names basically. It's been really, really good fun, lots of busts for drugs and a bit of violence." The jury was played a video Podsiad-Sharp made on his way home from a shift at HMP Armley, wearing his uniform, in which he said: "They didn't get rid of me."

Richardson said he would be writing to Alex Chalk, the justice secretary, as Podsiad-Sharp should never have been able to work as a prison officer with access to vulnerable and disillusioned men. He said: "I have absolutely no doubt that a man with the perverted and extremely dangerous views you hold should never be employed in the responsible position you held as a prison officer. I have no idea what, if any, vetting was undertaken by the prison service. Although the crime was not committed in prison, I regard the fact you were a prison officer to be a very serious matter. You had contact with young white men who were vulnerable and disadvantaged and may have been ripe for selection by you had the situation presented itself."

He will spend eight years in prison with an extension period of five years where he would be returned to prison if he breached the terms of his licence. DCS James Dunkerley, head of Counter-Terrorism Policing North East, said: "Tackling extremist and instructional material is an essential part of protecting the public and preventing it from potentially influencing or informing the actions of others. "We will prosecute anyone found to be in possession of such material and will continue work with our partners to remove content of concern from online platforms."

HMP Woodhill: Call For Emergency Measures at 'Unsafe' Prison

BBC News: Inspectors have called for the high-security jail HMP Woodhill to be put into emergency measures amid attacks on officers and "chronic" staff shortages. The prison, in Milton Keynes, was deemed to be "fundamentally unsafe" following an inspection in August. Charlie Taylor, the chief inspector of prisons, has contacted Justice Secretary Alex Chalk to issue an urgent notification for improvement. The Ministry of Justice has been contacted for comment. The prison holds about 500 male Category A offenders, including Charles Bronson, and was said to have the "highest rate of serious assaults in England and Wales" on staff, with "bullying and intimidation by prisoners to be commonplace". Low morale meant many staff had "voted with their feet", with more officers leaving than joining, and with "no indication that the situation would improve", the watchdog said.

In August, the BBC reported the jail was on a recruitment drive for new officers, with previous inspections also highlighting a lack of staff at the site. Chelsea Lee, deputy head of residence, said it took "a certain kind of person" to be a prison officer. "Sometimes we have bad days. There can be high frustrations working in this kind of custodial environment. There could be multiple incidents throughout the day and it's quite high stress levels for the officers."

Mr Taylor expressed concern that a "complex, high-risk" prison like Woodhill could not "operate effectively with such chronic staff shortages. Urgent support is needed from HMPPS (His Majesty's Prison and Probation Service) to help Woodhill and other establishments to develop credible, long-term plans that improve staff recruitment, and, crucially, staff retention," he said. The inspectors' report also found high levels of violence and drug use at the jail, with the rate of self-harm among inmates the highest in the country for men's prisons.

Twenty-six offenders were found to be "self isolating" in cells in fear of their own safety, while staff shortages meant education classes and work had been cancelled for inmates, leaving them "frustrated". The watchdog said without significantly improving staffing levels, "it was not clear how the jail will improve". Pia Sinha, chief executive of the Prison Reform Trust, branded the report "shocking", adding: "After repeated warnings, it is extremely disappointing that the prison now finds itself in this position. Ministers urgently need to get a grip on what has gone wrong."

Electronic Tagging For Domestic Abusers Leaving Prison

Haroon Siddique, Guardian: Domestic abusers leaving prison will have to wear electronic monitoring tags in a move that the government says will offer better protection to victims. Under a pilot scheme launching in the east and West Midlands, and expected to be rolled out across England and Wales next year, any offender who poses a threat to a former partner or their children will be banned from going within a certain distance of a victim's home and/or subject to a curfew. The conditions will be enforced on up to 500 prison leavers, who will be forced to wear a GPS or curfew tag. Offenders who breach licence conditions, such as by entering an exclusion zone or breaching a curfew, face being returned to prison. The lord chancellor and justice secretary, Alex Chalk, said: "Survivors of domestic abuse show great strength and bravery in coming forward, and it is right that every tool is used to protect them from further harm. The tagging of prison leavers at risk of committing further domestic abuse is a further protection we are introducing to help victims rebuild their lives and feel safe in their communities." The government also said on Friday 01/09/2023 that more than 2,700 victims had been protected from further harassment from their imprisoned abusers thanks to a Prison Service scheme relaunched last summer. The unwanted prisoner contact service prevents offenders from dialling a victim's number from prison phones or sending out threatening letters to their address.