

PAP News Issue 15 2013

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1 Disclosure of Police Cautions for Prospective Care Workers Can Breach Cautions, warnings and reprimands are generally non-disclosable but exceptions are made for prospective workers with children and vulnerable adults. The Court of Appeal has ruled that a blanket disclosure for such applicants is a breach of Human Rights. The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 is therefore incompatible with the Convention and must be changed by Parliament. See www.bailii.org/ew/cases/EWCA/Civ/2013/25.html

2 Police Treatment of Disabled People Must Be Adjusted The Court of Appeal described treatment of a disabled boy at a swimming pool in London as “hasty and ill-informed”. The epileptic and autistic child was forcibly restrained, handcuffed and leg-shackled causing him great distress and anguish. The officers knew of his disablement but did not consult his carer. The effects on him were serious. The Court stated the Police are under an on-going duty to make reasonable adjustments for the Disability Discrimination Act 1995. Operational discretion is important but it cannot give the Police immunity from liability for everything they do. See www.bailii.org/ew/cases/EWCA/Civ/2013/69.html

3 Forbidding Wearing a Christian Cross May or May Not be Lawful Decisions of the ECHR give interesting guidance. Religious freedom encompasses the freedom to manifest one’s beliefs in public or private. The lack of a specific protection in UK law does not mean the freedom is inadequately protected. But the sanction against an airline hostess was disproportionate whereas a nurse could be ordered not to wear a necklace where there is a risk to health and safety. The decision by a local authority not to exempt a registrar who was unwilling on religious grounds to conduct same-sex unions was legitimate. Moreover, sanctions against a psycho-sexual counsellor who refused on religious grounds to advise same-sex couples were also legitimate. It is important for authorities and employers to uphold the principle of non-discrimination and there is a “wide margin of appreciation”. See <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-115881>

4 Whole-Life Sentences without Review are “Inhuman and Degrading” The Grand Chamber of the ECHR has decided that, without the possibility of review and release, such sentences are not compatible with the Convention. The appeals by five convicted murderers, including Jeremy Bamber, will not result in release but restore the possibility of rehabilitation in due course. See <http://www.independent.co.uk/news/uk/crime/jeremy-bamber-case-wholelife-jail-terms-with-no-review-breach-human-rights-european-court-rules-8697317.html>

5 IPP Sentences Abolished But Continue To Breach HR Convention Meanwhile, the UK’s remaining 5880 prisoners on “indeterminate sentences for public protection”, a

sentence which could not be given for murder and abolished by Kenneth Clark in May 2012, must remain imprisoned until they are considered rehabilitated. Few training courses are available. The Howard League with 103 prison governors see major problems and suggest those prisoners with minimal tariffs should have their sentences converted into short, set sentences. See

<https://dub123.mail.live.com/default.aspx?id=64855#n=1661784973&fid=45e243fd229c4a798e201b2bb5d8e837&mid=8b746932-e564-11e2-851d-00215ad6ee58&fv=1>

6 Titan Prisons Come Back The Justice Secretary, Chris Grayling, has announced the building of a “super-prison” for 2,000 prisoners at Wrexham in North Wales. This is despite the protests at proposals for Titan prisons in 2010. The new prison will cost £250 million but four other prisons will close saving about £20 million each year. See www.dailymail.co.uk/news/article-2350413/250m-giant-jail-approved-Plans-build-Britains-biggest-prison-hold-2-000-given-green-light.html

7 Criminal Cases Review Commission Describes Refugee Sentences as “Abuse” The CCRC, which reviews and can refer cases back to courts, has described the imprisoning of refugees who escape to UK using false documents as “an abuse of law” and contrary to the Geneva Convention on Refugees. Some 500 such refugees were imprisoned between 2009 and 2011. Lord Leveson described four cases in July as “clear injustice”. See www.theguardian.com/uk-news/2013/aug/24/syrian-refugee-jailed-uk

8 Howard League Success – 17 Year-Olds are “Children” in Police Stations The Howard League has successfully challenged an anomaly in the PACE Codes to give all juveniles higher protection in police stations. Unlike in the courts, 17 year-olds in police stations were treated as “adults” contrary to the UN Convention on the Child. See www.theguardian.com/uk/2013/apr/25/police-17-custody-children-court

9 More HL Success – End to Strip-Searching Children in Prison Protests, including by the Youth Justice Board, at the practice of stripping children naked on entry to Secure Centres and other prisons, have been successful. The Howard League’s letters to the Prisons Minister, Jeremy Wright, have made the difference. See www.theguardian.com/society/2013/aug/16/children-in-custody-strip-searching

10 Daily Mail and Daily Express Ignore Associated Press on “Illegal Immigrant” In PAP News 14 was reported the lead given by the Associated Press stylebook in ceasing to use the expression “illegal immigrant”. Research by Oxford University shows the Mail and the Express use the expression at twice the rate of other publications. See www.theguardian.com/media/2013/aug/08/daily-mail-express-illegal-immigrants

11 Reforms to Rehabilitation of Offenders Act 1974 The PAP is pleased to hear the rehabilitation periods are to be shortened. See www.nacro.org.uk/what-we-do/resettlement-advice-service/reforms-to-the-rehabilitation-of-offenders-act/

12 Transparency of Lobbying, etc. Bill Threat Over 200 religious groups and charities such as Oxfam have protested, including the Chief Officer of the Unitarian GA. Please write to your MP. For help, see action@38degrees.org.uk

13 Send Your News for PAP News – to bruce_chilton@hotmail.com