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## **The UK's decision to leave the EU should not affect the execution of a European arrest warrant**

### ***EU law applies as long as the UK is a Member State***

Court of Justice of the European Union/PRESS RELEASE No 124/18 (07.08.2018) - <https://bit.ly/2vPxPtx> - In 2016, the UK issued two European arrest warrants ('EAWs') in respect of RO (the first in January 2016 and the second in May 2016) for the purposes of conducting prosecutions of the offences of murder, arson and rape. RO was arrested in Ireland on the basis of these arrest warrants and has been in custody since 3 February 2016. RO raised objections to his surrender to the UK on the basis, amongst other things, of issues related to the UK's withdrawal from the EU.

The High Court (Ireland) has ruled against RO on all of his points of objection, other than the issues of the consequences of Brexit. It therefore asks the Court of Justice whether, in light of the UK on 29 March 2017 having given notice of its intention to withdraw from the EU, and the uncertainty as to the arrangements which will be put in place after the UK's withdrawal, it is required to decline to surrender to the UK a person subject to a EAW whose surrender would otherwise be required.

**In today's Opinion, Advocate General Maciej Szpunar proposes that the Court of Justice find that the EAW system should continue to apply for as long as the UK is a Member State. He comments that, from the information submitted by the High Court, there appears to be no reason not to execute the EAW in question.**

The Advocate General first reiterates that the principle of mutual recognition, which is based on mutual trust, between the Member States means that the execution of a EAW constitutes the rule and a refusal to execute is an exception which must be interpreted strictly. The Advocate General notes that none of the mandatory or optional grounds for non-execution of the EAW are present in the case at issue. Specifically, the Irish court has concluded that, with the exception of the consequences of Brexit, there is no separate issue of potential inhuman or degrading treatment in respect of RO's surrender to the UK.

Next, the Advocate General examines whether the UK's notification of its intention to leave the EU has any bearing on the legal assessment to be carried out in relation to the execution of the EAW. He rejects RO's argument that the UK's withdrawal notice constitutes an exceptional circumstance which requires non-execution of an EAW. In his view, **as long as a State is still a Member of the EU, EU law applies, including the provisions of the Framework Decision on the European arrest warrant(1) and the duty to surrender.**

In addition, according to the Advocate General, there are no tangible indications that the political circumstances preceding, giving rise to, or succeeding the withdrawal notification are such as to not respect the substantive content of the Framework Decision and the fundamental rights enshrined by the Charter of Fundamental Rights of the European Union. He agrees with the argument that **the UK has decided to withdraw from the EU, not to abandon the rule of law or the protection of fundamental rights.** Consequently, in the Advocate General's view, **there is no basis to question the UK's continued commitment to fundamental rights.** Moreover, the UK will continue to remain subject to rules of domestic and international law which impose obligations on the UK in the context of extradition.

On this basis **the Advocate General proposes that the executing judicial authorities can expect, at the moment of executing the EAW, the issuing Member State to abide by the substantive content of the Framework Decision, including for post surrender situations after the issuing Member State has left the EU.** This presumption can be made if other international instruments will continue to apply to the Member State that has left the EU. **Only if there is tangible evidence to the contrary can the judicial authorities of a Member State decide not to execute the arrest warrant.**

Finally, **the Advocate General considers that the fact that Court of Justice will no longer have jurisdiction after 29 March 2019 is not an obstacle to RO's surrender to the UK.** The Advocate General notes, in particular, that the Framework Decision was adopted in 2002, but the Court of Justice only obtained full jurisdiction with regards to the interpretation of the Framework Decision on 1 December 2014, that is to say five years after the entry into force of the Treaty of Lisbon in 2009. Consequently it was neither possible, before that time, for a case such as this to have reached the Court, nor could a UK court have submitted a request for a preliminary ruling to the Court before that time, despite the fact that the EU was firmly anchored on the rule of law, including access to justice.

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NOTE: The Advocate General's Opinion is not binding on the Court of Justice. It is the role of the Advocates General to propose to the Court, in complete independence, a legal

solution to the cases for which they are responsible. The Judges of the Court are now beginning their deliberations in this case. Judgment will be given at a later date.

NOTE: A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of European Union law or the validity of a European Union act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court's decision, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

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(1) Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ 2002 L 190, p. 1).

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## **Suicides raise alarm about UK's treatment of child refugees**

### ***Three Eritrean teenagers killed themselves after travelling to Britain without their parents***

The Guardian (17.06.2018) - <https://bit.ly/2t5DQ4E> - At least three teenage refugees who arrived in Britain from the migrant camp in Calais have killed themselves in the past six months, raising questions about how the Home Office and local authorities handle profoundly vulnerable asylum-seeking children and young people in the UK.

Three young men from Eritrea, two of them aged 18 and one aged 19, have taken their own lives in London since last November. All of them fled conflict in Eritrea, travelling without their parents across Africa and Europe as young teenagers, and all spent time in the Calais migrant camp. A fourth young asylum seeker from Eritrea whose name and age has not been made public is also known to have killed himself last year.

Filmon Yemane had recently turned 18 when he killed himself in November. Alexander Tekle, also 18, took his own life a fortnight later in December, a year after he had arrived in the UK, hidden in the back of a refrigerated lorry. A third teenager, N (whom the Guardian is not naming, at the request of his family), killed himself last month, aged 19, in the same hostel in north London where Yemane had stayed.

An inquest was held into Yemane's death in April. It highlighted that he was in a state of crisis in the 24 hours before he took his own life, and found that although employees at the sheltered accommodation where he lived had reported a deterioration in his condition to NHS mental health staff, their concerns were not "escalated appropriately within the crisis team". A pre-inquest hearing was held into Tekle's death last month; there is no date yet for the full hearing, and no scheduled inquest yet into the third young man's death.

In the absence of other inquest findings, it is impossible to assess what prompted the three teenagers, who were acquainted with each other, to end their lives. All of them had been through extremely traumatic experiences, having fled conflict and encountered multiple dangers on the way to the UK, not least in the often violent environment of Calais, and risked their lives when they attempted to enter Britain by smuggling themselves on to lorries and trains. However, people who knew them have said that they subsequently found the protracted process of applying for refugee status in the UK extremely stressful.

Hamid, another Eritrean asylum-seeking teenager, who knew all three teenagers, said Alexander Tekle and N, the young man who killed himself last month, were both extremely concerned about the length of time it was taking for the Home Office to decide on whether they would be granted refugee status here. Hamid asked for his real name not to be printed, afraid that speaking out might somehow complicate his own asylum claim, which still remains unresolved, three years after his arrival in the UK at the age of 15.

He said: "Alex and I were close friends. He was such a nice guy but he was giving up on life. He was stressing about Home Office things – we all were. I tried to tell him not to worry too much, but he was thinking about it all the time. He was saying: once you have your papers, you can start your life, you can start college. He wanted to start work; he wanted to send money to his mother. Without papers you can't work."

He was unsure about whether Yemane had ongoing concerns about his Home Office status, but he knew that the third young person, N, was very anxious about whether he was going to be accepted as a refugee. "He was worried about Home Office and being sent back to his country and stressing about that," he said.

The Home Office is understood not to be currently sending people back to Eritrea, because it is considered too dangerous; however child asylum seekers who turn 18 and are not granted refugee status remain in limbo, unable to work, or study, and liable to be sent to immigration detention centres if they do not leave the country voluntarily.

Benjamin Hunter met Tekle while doing volunteer work with refugees in Calais when Tekle had just turned 16. He stayed in touch with him when he travelled to England. "Alex experienced deeply traumatic events on his journey to the UK, in particular in Libya and in Calais, where he lived alone in a tent for as long as a year, subject to abuse and neglect," Hunter said.

Tekle was wrongly age-assessed on arrival in the UK; it was not easy to get his birth certificate sent from Eritrea, although the documents were eventually sent. For a while he was treated as an adult, and sent to live in a unit for adults where he experienced real difficulties, Hunter said. Since arriving in the UK Tekle had at times been homeless, and occasionally drank heavily as a way of alleviating the stress, Hunter said.

"Instead of receiving the support and help that he desperately needed, upon his arrival in the UK, he told he was not eligible for support as a child or care-leaver. He was placed outside of care, in a hostel for adult asylum seekers where he was violently assaulted," he said. "Alex was stressed about the wellbeing of his family, about the uncertainty of his future and in particular was stressed by his asylum claim and the thought that he might be deported. The last thing he said to me, the day before he died, was, 'Why have I not received my papers, like my friends have?'"

His father, Teclé Sium Tesfamichel, a refugee now living in Sudan, said: "Alexander is not coming back. But I want to know this doesn't happen to children and young people again. These children, who have to leave home through no fault of their own, are traumatised on their journey through the desert and the sea. It is the job of the authorities to look after and guide these children, who come to the UK alone. They shouldn't come to die."

The family's lawyers, Bhatt Murphy, would like the coroner to examine the actions of the local authorities responsible for him, the adequacy of his accommodation, of the age assessments, and of access to mental health services.

An Eritrean woman who works with young asylum seekers (who asked not to be named) said she observed many different pressures making life hard for newly arrived teenagers.

"The journey, then the welcome and reception they get here is not what they expected," she said. "They feel like they are unwanted."

"Everything is so different from how they have lived at home. The loneliness, the language barrier; they are placed in accommodation with no one to talk to."

The mental health problems experienced by unaccompanied asylum-seeking children have been well documented by refugee organisations and children's charities.

Sam Royston, policy director at the Children's Society, which has been carrying out new research into the mental health of unaccompanied asylum-seeking children in the UK, said: "These vulnerable young people may have experienced the trauma of war, persecution, bereavement and exploitation, all of which can have a huge impact upon their mental health. Too often, they do not get the help they need ... Practitioners we spoke to knew of young people who had sadly self-harmed and attempted suicide."

A study by the children's commissioner last year warned that Home Office delays in processing asylum claims were causing difficulties. "Testimony from migrant children demonstrates how the experience of uncertainty and waiting leads to a state of paralysis and depression, seriously undermining their wellbeing," the report states.

Elaine Chase, an academic who has interviewed more than 60 unaccompanied young migrants in the UK for the research project, *Becoming Adult*, said about a third of the people she spoke to had experienced mental health difficulties ranging from difficulties sleeping, anxiety, severe depression to suicidal feelings, often related to uncertainty about their Home Office status. "One 18-year-old attempted suicide and ended up in a mental health unit, and was then billed for his healthcare and told he had to leave the country," she said.

Her colleague on the research project Jennifer Allsopp said the migrants interviewed tended to be more troubled about the uncertainty they faced about their futures than by the trauma they had experienced in the past. "For them, good mental health is associated with being able to work towards future aspirations; having a sense of stability, moving onwards with their lives. It is very hard to do that, if not impossible, without security of legal status," she said.

Rosalind Compton, an immigration solicitor with the charity Coram Children's Legal Centre, who runs advice sessions for asylum-seeking children, said many were under extreme stress. She said she knew an 18-year-old who had attempted suicide in December after being refused asylum. "There needs to be significantly improved mental health support available for all asylum-seeking young people," she said. "Mental health support is delayed or made ineffective by Home Office delays."

Liz Clegg met Alexander Tekle during the two years she spent working in Calais, supporting child migrants in the camp. She now runs a centre in Birmingham to support those who have arrived in the UK. "He was lovely. I remember him getting in the car and singing along to the radio. He came across like a genuine, funny, sociable boy," she said. She said many young people were destroyed by spending a long time in Calais trying to get to Britain. Those who spent only a few days in the camp tended to be in a better state when they arrived here.

"It had a profound effect on them and then there's a delusional notion that it will all be OK when you get to the UK. That can be the final nail. You've held on and held on, you've kept going and you've got here, and then you realise that the dream is not the dream," she said.

Britain gives temporary leave to remain to all minors who arrive here, but those who are found ineligible for refugee status are asked to begin making plans to return to their home country when they turn 17 and a half. Many of them struggle to gather the correct evidence to show that they should be eligible for refugee status; it can be difficult to access legal advice. "You have to have evidence that you need refugee protection," Clegg said.

"It's a nightmare process, and they don't understand it. None of these children read the Geneva convention or had the slightest idea of the asylum process. For many of them, they so believed that they could get to the UK and everything would be all right, and then they get rejected. It's hugely stressful. The whole hostile immigration environment is turned towards them. If you are told you can be here only until you are 17 and a half, it's inhumane – it's a form of abuse."

A Home Office spokesperson said: "We recognise that some unaccompanied asylum-seeking children have fled persecution in their countries of origin and experienced potentially dangerous journeys before reaching the UK. We are committed to reaching asylum decisions as quickly as we can, while ensuring these often complex cases are given proper consideration. Unaccompanied children are looked after by local authority children's services, who are required to assess their individual needs, including access to mental health support."

Hamid, who has seen three teenagers in his circle take their own lives in the space of six months, said he still struggled to understand why they decided to give up on life. "Alex was so generous, he would give me his last money; he gave me his clothes. If he had only £1 he would buy two drinks – one for him and one for you. He would share everything with you."

He remains extremely concerned about his own immigration status and has recently received a Home Office letter informing him that he is a "person without leave", liable for detention and possible removal from the country. The letter states: "You are not allowed to WORK. You are not allowed to STUDY."

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## Things cannot continue as they are...

***Human Rights Without Frontiers presents its condolences to the families who have lost members and the people who have suffered injuries in the horrific terrorist attack at the London Bridge***

By Willy Fautré

Speaking in Downing Street after a meeting of the government's emergency Cobra committee, PM Theresa May said the country "cannot and must not pretend that things can continue as they are". The prime minister said the country must "pull together" and unite to "defeat our enemies" and said **"things need to change" in the way that extremism and terrorism are tackled**. She added that there was "too much tolerance of extremism in our country" and while it would involve "some difficult and embarrassing conversations", that must change.

### ***Towards the end of British multiculturalism?***

This new terrorist attack, the third one in three months in the UK, may signal the end of the British multiculturalism model now perceived as inefficient to prevent terrorism. The juxtaposition of religious or ethnic communities inside the British cities and the accommodation of their specificities which were part of the British model are being

questioned. "We need to live our lives not in a series of separated, segregated communities but as one truly one United Kingdom," Theresa May said.

UK Prime Minister said the counter-terrorism strategy would be reviewed and the UK would work with other countries to prevent the internet being a "safe space" for terrorists. She blamed the internet companies and held them accountable for providing that free space to hate preachers and terrorists. Cyberspace needs to be regulated to prevent extremism and terrorism planning, she said.

### ***The enemy: the ideology of Islamist extremism***

The British PM stressed that the common denominator of all the terrorist attacks, whatever their nature and modus operandi, is "the evil ideology of Islamist extremism that preaches hatred, sows division and promotes sectarianism."

"It is an ideology that claims that our Western values of freedom, democracy and human rights are incompatible with the religion of Islam. It is an ideology that is a perversion of Islam."

"Defeating this ideology is one of the great challenges of our time but it cannot be defeated through military intervention alone."

The masterminds of the Islamic terrorist ideology is not to conquer our countries politically or militarily but to fracture our societies and to make us recant our values, some terrorism experts say.

Since 2013 security services in the UK have foiled 18 plots. A large proportion of those have involved suspects who set out to commit acts of violence similar to the attack on Westminster Bridge and London Bridge.

Watch Theresa May's full speech at <https://www.youtube.com/watch?v=c3IRKjdyMW0>

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## **High alert for human rights protection in the future in the UK and beyond**

***UK withdrawal from the European convention on human rights could have devastating repercussions for the EU, warns Willy Fautré.***

By Willy Fautré, *Human Rights Without Frontiers*

The Parliament Magazine (10.03.2017) - <http://bit.ly/2ncRiPG> - More than 50 British top lawyers and legal experts are sounding the alarm about UK Prime Minister Theresa May's intention to go beyond the scope of Brexit by withdrawing from the European convention on human rights (ECHR) and consequently from the mechanism of the European Court in Strasbourg.

By publishing an open letter to May in The Observer, the group of lawyers and experts have pressured her to abandon the idea of exiting the ECHR system. In their appeal, they also call upon the EU to "make Britain's membership of the ECHR a legally binding requirement for any future free trade deal in the UK.

"The rule of law and human rights are non-negotiable when new countries join the EU, they should be non-negotiable when countries leave and desire a free trade deal," the authors firmly state, emphasising that this provision was incorporated into EU law through the Lisbon treaty.

Under the guise of planning to restore the UK's sovereignty, Theresa May has stated in the past that she would like to leave the ECHR, although it has been the bedrock of peace and security in Europe since World War II and a remarkable instrument for the growth of democracy in European former Communist countries after the fall of the Berlin Wall.

Brexit is Brexit, and leaving the EU will already entail the withdrawal from several EU mechanisms: the EU charter of fundamental rights, the European Court of Justice, the European arrest warrant, and Europol. It remains to be seen which other mechanisms of cooperation between the UK and the EU will be negotiated in the near future - and at what cost.

Extending the UK's withdrawal from the ECHR might have a pernicious domino effect and could embolden populist leaders in countries such as Hungary and Poland to abandon domestic and international commitments to human rights.

In December 2015 Russia sent out an alarming signal to Strasbourg and Brussels by adopting a law which allows the country to overrule judgements from the European Court of Human Rights (ECtHR).

The EU values enshrined in this historical institution may suffer a devastating setback from Lisbon to Vladivostok if the UK decides to pull out of the ECHR. It would give carte blanche to Putin and others to further weaken the European Court and prevent the expansion of EU values.

The publication of their appeal comes as British campaign agency 89up launches a crowd funding operation to send a 'battle bus' carrying human rights activists to Brussels. The purpose will be to lobby the EU to ensure that any free trade deal that it agrees to with the UK will include a guarantee that London remains a signatory to the European Convention of Human Rights.

These concerns however should not be limited to British human rights advocates and their campaign should not only involve British citizens. It is a battle to be fought by all human rights watchdogs and civil societies across Europe.

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## **Anti-racism experts highlight increasing hate speech and racist violence in the UK**

ECRI 04.10.2016 – Alongside several positive developments, the European Commission against Racism and Intolerance (ECRI) has highlighted a number of areas of concern in its latest report on the United Kingdom.

ECRI welcomed, among other things, the entry into force of the Equality Act 2010 and the generally strong legislation against racism and racial discrimination in the country, as well as the government's new hate crime action plan and substantial efforts to promote LGBT rights in the UK which have led to a significant change in attitudes.

At the same time, the commission noted considerable intolerant political discourse in the UK, particularly focusing on immigration. It said that hate speech continues to be a serious problem in tabloid newspapers, and that online hate speech targeting Muslims in particular has soared since 2013.

ECRI also noted a particularly high number of violent racist incidents in 2013, including a sharp rise in anti-Muslim violence, as well as record levels of anti-Semitic incidents the following year.



"It is no coincidence that racist violence is on the rise in the UK at the same time as we see worrying examples of intolerance and hate speech in the newspapers, online and even among politicians," said ECRI Chair Christian Ahlund.

"The Brexit referendum seems to have led to a further rise in 'anti-foreigner' sentiment, making it even more important that the British authorities take the steps outlined in our report as a matter of priority."

The report also underlines that there is no national strategy for the integration of Roma, Gypsies and Travellers in the UK and these communities continue to suffer severe disadvantage.

It makes a total of 23 different recommendations to the UK government, the most pressing of which – relating to equality legislation in Northern Ireland and data collection on the application of the Equality Act 2010 – will be reviewed by ECRI in two years' time.

The report, including Government observations, is available at [here](#). It was prepared following ECRI's visit to the United Kingdom in November 2015 [[Press release](#)] and takes account of developments between 2009 and 17 March 2016.

*ECRI is a human rights body of the Council of Europe, composed of independent experts, which monitors problems of racism, xenophobia, antisemitism, intolerance and discrimination on grounds such as "race", national/ethnic origin, colour, citizenship, religion and language (racial discrimination); it prepares reports and issues recommendations to member States.*

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## **I am unjustly imprisoned in the UAE – why won't the UK government help me? - Ahmad Zeidan**

***In 2013, after being tortured, I signed a 'confession' to a crime I did not commit. All my non-British co-defendants have now been freed but I remain in jail. Why?***

The Guardian (26.08.2015) –

<http://www.theguardian.com/commentisfree/2015/aug/26/uk-citizen-imprisoned-uae-british-government-no-help> - Ahmad Zeidan, a British citizen, was 20 years old when he was arrested in Sharjah, United Arab Emirates in December 2013, along with six other young men. Zeidan was charged with drug offences and faced a death sentence, based on a "confession" extracted from him after eight days of torture. The authorities alleged they had found 0.04g of cocaine in the glove compartment of the car in which Ahmad was a passenger. After being held incommunicado for eight days, Ahmad filed a complaint against the arresting officers. The UAE government promised the UK government that it would investigate his torture and mistreatment, but it failed to do so and in May 2014 Ahmad was sentenced to nine years in prison. Since then, all of those arrested and convicted alongside Zeidan for the same offence have been pardoned and released. The Foreign Office said any comment on the continuing legal process would be "inappropriate" but has been in regular contact with Zeidan and his family since his arrest to "provide assistance".

I turned 22 on Tuesday. It was my second birthday behind bars. Before my arrest in 2013, I was a typical 20-year-old: a few months off graduating from university, I had a girlfriend, friends, parties, music. I was really looking forward to completing my degree in aviation management and to my future in the field. If you're a 20-year-old guy reading this, you get me. The old me.

In December 2014, I was diagnosed with post-traumatic stress disorder – a condition caused by the torture that I was subjected to when I was arrested. I try my best not to think about that night, when I was dragged out of my friend's car by Emirati police officers as we parked outside a mall in Sharjah, but sometimes the memories come flooding back.

The beatings came fast, mostly across my face. I still feel pain in my jaw to this day. An officer ripped the chain from my neck and began whipping me. I heard them taunting me, saying how happy they were to "catch" a Brit. Then began eight days of beatings, often while handcuffed. I wasn't allowed to contact my family or the British embassy. I remember at one point being told to stand up, but being so exhausted that I collapsed. An officer grabbed me by the handcuffs and dragged me across the floor. I was stripped naked and they threatened to rape me. In the last few days, I was hooded and taken to solitary confinement. I asked where they were taking me, but they just beat me in response. Eventually, I was made to sign a document in Arabic, a language I don't read or write – this was my "confession". That piece of paper led to my jailing for nine years in Sharjah, but not before a long trial in which the state sought the death penalty on drugs charges.

Last night, I had a panic attack. I've been getting them a lot in prison. I don't sleep any more. I am desperately trying to preserve my mental strength, and trying to come to terms with the fact that I will be nearly 30 by the time I am released. What I can't accept is the British government's seeming refusal to help me.

UK consular officials know that my case, like many others in the UAE, involved a miscarriage of justice. They know that I was tortured into a bogus "confession" – they even helped my father, days after I was found, to file a complaint about my mistreatment, and to request that I be allowed to see a doctor – requests that the UAE authorities denied. And yet, the British government has refused to ask for my release. I am the only defendant left from my trial. My co-defendants – convicted of the same crime, but not from Britain – have all been freed.

I wonder what you would think if you could read my thoughts for a day in this prison? I am barely able to describe them myself. The thing that scares me the most are the flashbacks. They are intense, and leave me in constant fear. I relive the moments of my arrest and my torture like someone watching a DVD of that night on a loop – and I am just as powerless and helpless as I was at the time. I am afraid of being around other people and worse, I am scared that I am no longer myself – that I will never be the same person I was before. I ask myself every day, will I ever live a normal life again?

I am truly happy for my freed co-defendants. I felt nothing but joy on the day they were pardoned, even though I wasn't. Each time the amnesty comes around, I wait on edge, hoping my name is going to be on the list – and each time I am not, it chips away at my resolve. This Ramadan, the UAE pardoned nearly 900 prisoners. I genuinely believed that it was my time. I heard name after name being called, and I was sure my name was going to be next: some of those pardoned had been sentenced to 10, 15, and sometimes 25 years. But my name wasn't on the list.

I respect the ruler of Sharjah and the decisions he makes. And I don't blame the UAE; after all, I grew to love this country like a second home. The system is what it is here, and ultimately I have to respect that. But I can't understand why the British government has failed me; why the UK – with its strong relationship with the Emirates – can't support my request for freedom. My only conclusion is that the British government has other priorities in the UAE. I just want nothing more than to be back in the UK, to try to be a normal 22-year-old.

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## **New law makes forced marriage involvement a criminal offence**

WUNRN (08.07.2014) / <http://www.wunrn.com> - A new law in England and Wales making it a criminal offence to force people into marriage sends "a powerful message", campaigners have said.

From today, parents who force their children to marry can be punished by up to seven years in prison.

Previously, courts have only been able to issue civil orders to prevent victims being forced into marriage.

Ministers say the law will give victims the confidence to come forward and protect thousands of people each year.

It will apply if people are forced into marriage in England and Wales, as well as to UK nationals at risk of being forced into marriage abroad.

Last year, [the government's Forced Marriage Unit dealt with 1,302 cases](#).

Some 82% of victims were female and 18% male while 15% were under the age of 15.

The cases involved 74 different countries with 43% relating to Pakistan, 11% to India and 10% to Bangladesh.

### ***'Psychological pressure'***

Home Secretary Theresa May said the practice was "a tragedy for each and every victim".

She said the criminalisation - under the Anti-social Behaviour, Crime and Policing Act 2014 - was "a further move by the government to ensure victims are protected by the law and that they have the confidence, safety and the freedom to choose".

Aneeta Prem, founder of Freedom Charity, which educates young people about forced marriage, said the law sent out a "powerful message that this indefensible abuse of human rights will not be tolerated".

Jasvinder Sanghera of the Karma Nirvana charity said it was a "historical day and the right move" and that it was important for victims to report any abuse.

"Nobody is going to be forcing you to prosecute or criminalise your parents. Reporting is the first thing you have to do and it will be your choice to pursue a criminal justice process."

Under the new law, breaching a forced marriage protection order - which can be issued by courts to prevent people being married against their will - has also been criminalised. It now carries a maximum penalty of five years in prison.

Mak Chishty, from the Association of Chief Police Officers, said the new law would make the police's job easier.

"It's a very important step because for the first time it gives us a definition of what forced marriage is and gives us the ability to take people to court and get a criminal conviction and that is a very powerful message to deter people in the future," he said.

The Home Office says a forced marriage "is one in which one or both spouses do not consent to the marriage but are coerced into it" by means including "physical, psychological, financial, sexual and emotional pressure".

It says that "in the cases of vulnerable adults who lack the capacity to consent to marriage, coercion is not required for a marriage to be forced".

### **Case studies**

One woman, who wishes to remain anonymous, told the BBC she was duped into travelling to Pakistan to marry her first cousin. She escaped and her family have now disowned her.

"I was 17 years old. I was told we were going on a family holiday abroad. Two weeks into the holiday my family informed me that I wasn't going back to London and I was going to remain away to be forced into a marriage.

"I hadn't met him before. Didn't know him, didn't know his name or anything about him. I demanded that I come back and finish off my studies.

"I begged them and I begged them but they said no, I had to stay and be married off. Their view of it all was that they felt I was going to become far too Westernised and bring shame onto the family and therefore they felt, in their eyes, it was the best thing to do.

"The marriage was absolutely horrendous. All the types of abuse you can think of - sexual, verbal, physical. I wouldn't wish it on my worst enemy; it was quite vile.

"I wasn't allowed out at all, I was more or less a prisoner in their house. I was treated like a slave. I wasn't allowed to do anything, my ex-husband's mum used to say to me the only reason I was there was to cook and clean and be a slave for her son at night."

In another case, Alexander Khan said he was sent to get married by his step family who had received several thousands pounds and some land.

"When I was 13 they sent me to north-west Pakistan, and what they told me to do was sit beside this girl who was nine years old. Unbeknown to me, that was an arranged marriage and I didn't know what was happening.

"A lot of it is cultural and - in my case - money. It was definitely to do with greed and money."

### **Law 'challenges'**

The new law will be introduced in Scotland at a later date after MSPs voted for legislation in January.

Forced Marriage Protection Orders, which can be issued to prevent people being married against their will, were brought into Scottish law three years ago.

[However, there have been no prosecutions over forced marriage](#) since then, the BBC has learned.

Aisha Gill of the University of Roehampton, who helped draft the new legislation, said there would be "challenges" implementing it.

"As with any law introduced, it may have unintended consequences. What we have to do is make sure victims are supported from the moment they report such an abuse, right

the way through the court process, and post-court process, in terms of the outcome of a criminal prosecution," she said.

"The challenges are in terms of giving evidence, particularly where the perpetrators may be those who are close to them i.e. family members, and the coercion and pressure that they may be subjected to in terms of withdrawing [the complaint]."

The new law will not apply to Northern Ireland but ministers there will be able to introduce their own legislation, the Home Office said.

<http://www.bbc.com/news/uk-27830815>

<http://www.siawi.org/article7622.html>

Website Link Includes Video of Forced Marriage Victim Testimonial.

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## **Lambeth 'slaves rescue': Woman 'called Freedom Charity after watching TV documentary on forced marriage'**

*The ITV documentary gave chilling insights into the experiences of young Islamic girls forced into marriage as young as 13 or 14*

Daily Mirror (22.11.2013) - The TV programme that led to the [rescue of three London 'slaves'](#) was an investigation into forced marriages.

The ITV documentary, Forced to Marry, gave chilling insights into the experiences of young Islamic girls forced into marriage as young as 13 or 14.

It was the first episode in a new Exposure series, which had previously revealed Jimmy Savile was a sexual predator.

Broadcast on Wednesday October 9, it featured a plea from a charity worker that is believed to have struck a chord with one of the three trapped women.

The documentary showed clerics at 18 UK mosques agreeing to marry off a girl of 14 in an Islamic ceremony.

Two reporters posed as the mother and brother of a 14-year-old girl to be married to an older man.

The journalists contacted 56 of mosques around the UK asking if they would perform the marriage of a 14-year-old girl.

Around two thirds of those contacted refused to perform an Islamic marriage, known as a nikah, making it clear they were disgusted at the request.

However, 18 of the respondents agreed, with one Imam saying "that's not going to be a problem".

Another cleric, Shams-ul-Huda Khan Misbahi, who preaches in Heckmondwike near Leeds, was shown assuring the reporters that the marriage would be "real".

Despite being told that the girl had only met her future husband once, the cleric condoned making her move in with the man against her wishes, claiming "everything is jaiz", meaning lawful.

Campaigners claim thousands of girls are forced into the illegal ceremonies every year, in a boom fuelled by the "moral blindness of cultural sensitivity".

Such weddings are not recognised by UK law.

Marriages can only be officially registered if both parties are over 16, which is also the age of sexual consent.

However, under Islamic or sharia law, a girl can get married as soon as she reaches puberty.

Official figures suggest that the vast majority of forced marriages of British children happen abroad, although the Exposure investigation revealed that girls as young as 10 are being forced into marriage in this country.

Around 400 schoolchildren, mainly girls from South Asian communities, are forced into marriage every year in the UK.

The programme was made with the support of Freedom Charity, and founder Aneeta Prem was interviewed about the show prior to its air date.

She said: "I think whoever is involved in this, you are talking about child abuse and exploitation and it is something we need to stop.

"People are too culturally sensitive when dealing with this, they are worried about offending particular groups. We have to say it's immoral and illegal and stamp it out.

"I think what we are hearing about is the tip of the iceberg, it is a huge problem."

The programme was described by police as a "catalyst" that prompted one of the victims to speak out.

Police said the Freedom Charity, which aims to advise and support victims of forced marriages, got in touch after they received a call following the TV documentary.

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## **A mother sent to prison on evidence she cannot see**

### ***The case of Vicky Haigh highlights what passes for justice in Britain today***

The Daily Telegraph (04.05.2013) If the mother of a two-year-old child can be sent to prison solely on the basis of a supposed statement she is not allowed to see and which appears to have been concocted in very mysterious circumstances, we may wonder what passes for justice in the Britain of 2013. This is what has happened to Vicky Haigh, the former racehorse trainer, who for some years has been at the centre of one of the oddest cases of parents falling foul of our child-protection system that I have ever reported.

Last year Miss Haigh was sentenced to three years in prison – the longest such sentence ever recorded – for breach of a "non-molestation order" relating to her daughter by her

former husband. Her offence had been to run into the girl at a petrol station. The girl had recently been taken from her care after a long case involving social workers, which ended with her ex-husband being given custody. Miss Haigh then won extensive coverage by fleeing to Ireland to prevent social workers seizing at birth the baby she now expected by the partner with whom she and her daughter had lived happily for six years, with Miss Haigh acting as stepmother to his three children.

Leaving her new baby in Ireland, she returned to face the non-molestation charge, thinking it would be dismissed, only to find that her case had now been taken over by Lord Justice Wall, then head of the Family Division, who took the unusual step of publishing a judgment very hostile to her. A third judge then gave Miss Haigh that record sentence for speaking to her daughter at the petrol station. After she had served seven months as a "model prisoner", yet another judge agreed that her sentence was "manifestly excessive" and she was allowed to return home on probation to her family.

A former policeman, David Gale, who stood as a Ukip candidate for police commissioner in Derbyshire, then became interested in what he believed to be serious discrepancies in the handling of her original case by social services. By providing police with new evidence, he triggered off an internal police inquiry, and was told that the papers would be presented to the Crown Prosecution Service (CPS) on April 28.

Early last month, however, Miss Haigh was visiting a pub for lunch with her partner and their family. Apparently, she was approached by a barmaid who seemed to know a lot about her, claiming to know her older daughter. The children, who had grown up with the girl, plied this woman with questions and messages for someone they looked on as their sister. Miss Haigh says that, concerned by what was going on, she was careful to say very little about her lost daughter, later contacting friends to describe what she thought had been a "bizarre" incident.

A week later she went to meet her probation officer, wanting to discuss the episode in the pub, only to find two of them present, aggressively telling her that a statement from the barmaid alleged that she had tried to pass messages to her daughter. Mr Gale was later told by the Ministry of Justice that, according to the statement, Miss Haigh had been "trying to contact her sister", suggesting that this referred not to her but to a step-daughter.

On April 26, two days before the police dossier was supposed to be handed to the CPS, two policemen arrived at 9am, with a warrant for Miss Haigh's arrest for breaching her probation order. She is now in Peterborough prison for 28 days, leaving her family baffled by what has happened. The police refused to take a statement from Miss Haigh's partner, who witnessed what happened in the pub. The family have not been allowed to see the barmaid's statement, or to challenge it.

Why this mother is back in prison remains as much a mystery as why she was given that unprecedented sentence for speaking to her older daughter in the first place.

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## **Child's rights: Scores of families have had their lives destroyed by unfounded accusations**

***These loving parents were branded abusers - yet the courts won't let them clear their names: SUE REID on a chilling case that raises profound new questions about justice and Britain's culture of secrecy***

- ***Parents cleared of wrongdoing but barred from proclaiming innocence***
- ***Accused of causing broken bones in three young children***
- ***But injuries were caused by inherited disorders***

Mail Online (23.05.2013) - Playing in their large garden, this family look happy and content.

A pair of twins, a brother and sister aged two, reach out to cuddle their parents who, in turn, cling tightly to their youngest child, a boy of one who keeps crawling off at a fast pace towards the flower-beds.

The children are blissfully unaware that if doctors, police officers and social workers had had their way, this scene would not be taking place at all. By law, in many cases such as theirs involving family courts, it is not possible to name those involved or identify where they live.

But we can reveal that nearly two years ago, the parents were wrongly accused of the most horrific crime: shaking their children, injuring their brains and breaking their bones. At one stage, a police officer told the family: 'This is the worst case of child abuse I have ever come across in my 16-year career.'

During 19 months of investigations, the parents were barred from being alone with the children. Therefore the twins' maternal grandparents (both in their late-70s) had to care for them at night while the parents slept in a separate part of the family's home, the connecting door locked on the orders of social workers.

Astonishingly, a bell on the electric gate at the garden entrance was also disconnected by social workers.

They said it was so they could make unannounced visits to check the parents were not attacking their children.

When the mother gave birth to her third child, by Caesarean, social workers claimed there was a risk that she would hurt him. They threatened to take the baby away (even though he was being breast-fed) until the mother could be supervised round the clock in her hospital bed.

But a little over two weeks ago, a High Court judge decided that the parents had not harmed their children. Mr Justice Baker said the couple were 'besotted' about them and should not face 'one scintilla' of criticism.

He refused to allow the youngsters to be taken into care by Devon Council and, in all probability, be put up for adoption.

The judge said the couple suffered from complex medical ailments which may have been inherited by the children and which made their bones and skulls fragile.

He concluded there was a 'real possibility' that - rather than being the result of abuse - the twin girl's elbow was broken when her arm was pinned down by two doctors as they tried to insert a tube for blood tests.

A fracture of her brother's rib was also 'likely' to have occurred at the hospital during a medical examination.

As the mother says now: 'It has been a nightmare. So many mistakes were made. We have lived for months under this massive terror that council social workers would take



our children away. I was made to feel an evil woman by social workers. They treated me like a liar. We were accused of being child abusers by the police.

'Now we learn that some of our children's injuries may have been caused at the hospital where doctors were accusing us.'

It is, indeed, a disturbing story. But as this family get on with their life, there is another worrying aspect to this case.

It concerns the judge's decision that the family cannot be identified and that their whereabouts must be kept secret until the children are grown up - even though they have done nothing wrong.

The ruling, by Mr Justice Baker at the High Court in Exeter, means that if this family allow the media to use their real names, they will be in contempt of court and risk being sent to prison.

They are frightened even to speak about their ordeal to neighbours or friends because in doing so they could identify themselves and the children as having been participants in the family court case.

The couple feel they have no choice but to comply with the ruling. However, they have agreed to brief the Mail anonymously about their plight.

These gagging orders have become normal in such family court cases where parents are eventually found innocent of any wrongdoing. Last week, Bill Bache, the family's lawyer and an expert on family courts, said: 'This ruling impinges on this family's freedom of speech. This is very troubling.'

And John Hemming, the Lib Dem MP campaigning against court secrecy, added: 'These rulings stop innocent families talking openly about their experiences and they protect the doctors, social workers and police who wrongly pointed the finger of blame at them.'

His views are endorsed by Alison Stevens, who runs the charity Parents Against Injustice. She said: 'Most innocent parents who win their children back face a gagging order from the family courts. It means the mistakes made by social workers, doctors and the family courts are concealed.'

### ***So how did this travesty occur?***

The couple - she a 39-year-old teacher and he a former hotel manager of 31, whom we will call Elizabeth and William - met five years ago.

They began to live together nearly three years ago - owning a bungalow in Devon - and were delighted when, after IVF treatment, Elizabeth became pregnant and gave birth in February 2011 to the twins.

Both babies were a good weight, appeared healthy, and were taken home from hospital five days later. But their daughter had trouble feeding. She lost weight and was prescribed a special high-calorie bottled milk.

She soon put on weight, and a health visitor who saw her at home when she was four months old, wrote in the child's medical records: 'Much better weight gain. Looks healthy and happy. Feeding improved greatly.'

Yet, three hours after that visit the baby collapsed. She stopped breathing and was taken by air ambulance to Devon and Exeter Hospital. There, doctors held down her right arm as two tubes were inserted into her hand.

'This is probably when the fracture to her elbow happened,' says her mother - a view endorsed by Mr Justice Baker in his published judgment on the case.

The baby recovered and went home. But three days later she was taken back to hospital with suspected meningitis.

The child was given an MRI scan which detected bleeding inside her skull. Doctors gave her a lumbar puncture (a spinal fluid test which cleared her of the disease), holding her so firmly by the legs during the procedure that her blood vessels ruptured, causing red marks.

Meanwhile, her twin brother was coming under medical scrutiny, too.

The hospital's consultant paediatrician Dr James Hart, who was treating the girl, asked for the boy to be given a MRI scan. This revealed inter-cranial bleeding and a number of rib fractures.

An X-ray on the girl also exposed a single rib fracture and - tellingly - a fracture of her right elbow.

The hospital immediately alerted police and social services. Dr Hart said he thought the children had been shaken by either of her parents.

An official investigation was launched and it was only because the grandparents offered to care for the children that the authorities were persuaded not to remove them from the family.

'The consultant paediatrician continued to insist we had shaken the children and caused the injuries,' says Elizabeth today.

As a result, she says that she and the children's father had to be 'locked' in a separate flat all night and were told they couldn't be left alone with their children at any time.

The police also visited the home and as part of their investigation searched through the children's toys.

Things became worse, when the mother became pregnant again last summer and gave birth.

When the little boy was three weeks old, he fell out of his Moses' basket on to a wooden floor, a distance of between 18in and 24in. Despite the low height of the fall, a subsequent medical examination revealed that he had suffered skull fractures and bleeding in the brain.

This was enough for Devon Council social workers to again apply to the family court - unsuccessfully - to take all three children into care.

Crucially, the family's medical history was not investigated by the hospital.

It was left to Elizabeth to try to see if there was a link. After hours researching on the internet, she realised that her own medical problems - she suffers from easy bruising and painful joints - could have been passed on to the children.

She therefore went to a rheumatologist who diagnosed a tissue disorder known as Ehlers-Danlos syndrome, which can cause bone fragility and bleeding within the skull.

Her partner, it turned out, also had health problems: chronic kidney stones which are associated with a calcium imbalance and reduced bone density.

When Elizabeth told the court what she had discovered, it sent the couple for an independent medical examination by one of the world's top geneticists (and an expert on Ehlers-Danlos syndrome) in London.

He said the children were likely to have inherited disorders from their parents which 'had an impact on their bone fragility'.

'It was a turning point for us,' says Elizabeth now. 'I believe my three-week-old baby's injuries from the fall also pointed to his genetic disposition to fragile bones.'

'I believe many other parents with similar genetic disorders are being wrongly accused of shaking their babies and child abuse. They should be told what happened to us.'

### ***So how did this scandal happen?***

Shaken baby syndrome (SBS) came to public attention in Britain in 1997 when British au pair Louise Woodward was convicted in the U.S. - she was found guilty of involuntary manslaughter - of shaking a baby to death.

SBS was said to show that any brain-bleeds or fractures of children's bones were sure signs of deliberate abuse of babies by parents or carers.

Among the most ardent supporters of the SBS theory was Sir Roy Meadow. Trusted by the family courts, where he regularly appeared for councils accusing parents as an expert witness, Meadow was finally barred from medicine after giving evidence at the trial of Sally Clark, a solicitor whose two children had died suddenly.

He wrongly claimed there was a 73 million to one chance of a middle-class mother, like Sally, losing two children to cot death. Clark was subsequently convicted.

He has since successfully appealed and retired. As for Sally, she was imprisoned for three years before being freed on appeal, and has since died.

Rioch Edwards-Brown, a campaigner for accused parents, says: 'Scores of families have had their lives destroyed by false accusations that they hurt or killed their babies by violently shaking them. They have been convicted on what is medics and social workers' opinion and dogma rather than fact.'

After Sally's conviction was overturned, it was found that ailments such as vitamin D deficiency which causes rickets, birth trauma (even in some Caesarean deliveries), and hereditary diseases could mimic the physical signs of the syndrome.

The Court of Appeal ruled that due to the growing confusion surrounding SBS, a conviction should never be made when there are conflicting medical opinions given in a trial. There has to be real evidence of an assault.

However, in the family courts - where guilt is decided on a 'balance of probabilities' - hundreds of parents every year are still being accused of shaking their babies and have had them removed into care and adopted.

Worse, these judgments are always made behind closed doors. Even if the parents have not hurt their child, secrecy rulings obstruct them from identifying themselves and openly proclaiming their innocence after the case is over.

That is just what is happening to Elizabeth and William.

Mr Justice Baker's ruling also means that only the one doctor actually named in his final judgment, when he cleared the parents, can be identified publicly.

As a frightening result, the identities of the social workers, the police officers and nearly all the hospital medics who provoked this family's nightmare are now hidden behind a cloak of secrecy.

Is that justice? When the judge was shown happy, smiling photographs of the family together he said they illustrated the 'manifest devotion' of both Elizabeth and William to their two boys and girl.

He added: 'They are significant evidence of how much these parents love their children.' So why, one might ask, is this couple not allowed to say who they are - and shout publicly from the rooftops that they are innocent?

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## **OSCE media freedom representative lauds passage of defamation bill by British Parliament**

OSCE (25.04.2013) – The OSCE Representative on Freedom of the Media, Dunja Mijatović, today hailed the adoption of a defamation law by the British Parliament that would make it harder for lawsuits to be pursued against media.

"These new provisions are a good step forward in the effort to establish a level playing field in defamation cases," Mijatović said. "Unjustified lawsuits are costly and drawn-out affairs that waste journalists' time and resources."

Mijatović has consistently supported defamation reform in the United Kingdom, including the decriminalization of defamation which was passed by Parliament in 2009.

The new law requires that claimants must show they have or will suffer serious harm before bringing a defamation lawsuit. It brings in new statutory defences of truth and honest opinion to replace common law and introduces a defence of "responsible publication on matters of public interest". It removes the presumption in favour of jury trials in defamation cases.

The law aims to restrict the so-called "libel tourism" trade, where foreign claimants file suits in plaintiff-friendly British courts.

Foreign-based journalists will no longer be subject to British defamation suits and non-European Union residents must prove a British court is the proper jurisdiction for their claims to be heard.

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## Children taken into care: why are the figures rising?

***Record numbers of families are having court cases brought against them to remove their children because of factors like abuse and neglect. We look at the data and ask why are the figures so high?***

The Guardian (11.04.2013) - Today the number of applications for [children](#) to be taken into care has hit a record high according to the [Children and Family Court Advisory Service \(Cafcass\)](#).

An application comes from the local authority when a child or children are thought to be in such serious danger that a court order is needed to remove them from their family. A single application can be made for one or more children in a household. The local authority application goes through to Cafcass and the courts.

If you compare the applications to previous years you can see that 2011/2012 is already clearly higher than any time in the last 4 years in England:

In total, between April 2011 and January 2012 Cafcass, received 10,199 new applications - 10.8% higher when compared to the same period last financial year

What can these figures tell us about the way the 1989 Children Act is being applied? An answer to this comes from Anthony Douglas, Chief Executive of Cafcass:

Agencies are working more quickly to ensure that children are removed from deeply damaging households where many have been for some time and are showing a lower tolerance for poor parenting. What we are seeing is an elimination of drift in neglect cases and a greater recognition of the appalling impact of neglect can have on children. Nearly every child involved needs love, care and therapy, either back home or elsewhere. All agencies need to factor in these much larger increases into their planning systems, resource allocations, workforce development strategies and service contracts, so that the most vulnerable children in the country continue to receive strong public services.

So quicker assessment and better awareness in care professionals of the damaging effects of leaving a case goes some way to explaining the increase in applications.

Another view is expressed by the Guardian's [Patrick Butler](#) who [considers](#) the "[Baby P effect](#)", but he also echoes Douglas' point about the reasons children go back into care:

Most children who go into care do so as a result of concerns that they are being neglected, not that they are at risk of physical violence or sexual abuse. The increase in applications, say professionals, reflects a greater appreciation of the impact on children of parental neglect, emotional abuse and domestic violence.

We have gathered [statistics](#) from the Department for Education showing regional breakdowns of children at many more stages in the care process in a [Google spreadsheet](#), along with the latest Cafcass figures.

What do you think? What have we learnt since the Children Act and what do these figures tell us about society at large?

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## **A family who escaped to a happy ending**

### ***What is the problem with Britain's social workers?***

The Telegraph (30.03.2013) - Last week, news reached me that there was yet another distraught mother who had fled to Ireland to prevent her three children being seized for no good reason by British social workers. Although the family have been living there for four years, with the children all doing well at school, the mother had just been arrested for failing to have a valid tax disc by the Irish police, who confiscated her car and held her in a police cell for nine hours.

When she was finally released at 7pm on a wet evening, 40 miles from home, she got back to find that the police had broken into her home by smashing a double-glazed window. They had removed various items, including a mobile phone. Much worse, Irish social workers, apparently after consultation with their British counterparts, had picked up her children from school and taken them, "traumatised", as she was told, into foster care.

There are few things odder about our social workers than their response to the ever-rising number of parents who try to evade their clutches by fleeing abroad. As I have often reported, they seem prepared to stop at nothing to get the children back to Britain. Just occasionally, however, their zeal is foiled, as in the case of the family (pictured, above), who now live in the West Indian island of St Vincent.

It is now 14 years since Debbie Paterson, brought up in London by West Indian parents, was left, after a brief unsatisfactory relationship, with a baby son, Kymani. When she then happily married, the boy grew up looking on her husband as his father. Despite attempts by various judges to set up contacts with his biological father, Kymani got to the point where he did not want any further contact.

In 2010, however, one judge decided to involve Islington social workers in trying to re-establish contact. In April 2011 another, Mr Justice Roberts, said that he was so "unimpressed" by Debbie's reluctance to co-operate with their arrangements that he invited the social workers to consider applying for a care order on the boy. The response of Debbie and her husband was immediately to fly off with their son to start a new life in St Vincent before any application could be made.

In December 2011, Debbie returned to London to clear up her affairs and dispose of their old home. She was summoned before a High Court judge, Mrs Justice Parker, who demanded to know Kymani's whereabouts. When Debbie refused to tell her, the judge sentenced her to 12 months in prison for contempt of court.

In the summer of 2012, while Debbie was still in Holloway prison, the social workers discovered where Kymani had escaped to, and two of them flew out to St Vincent to track him down.

They asked the disbelieving 12-year-old whether he would like to return with them to live in foster care in Britain. They approached the similarly disbelieving headmaster of the school where Kymani was now a prized pupil, and then tried to elicit the support of the local social workers. They could not understand why on earth such a well-looked-after boy should be of any concern to social workers from Britain. After the social workers returned home, they even offered to fly the boy's biological father out to St Vincent to see if he could persuade the boy to come back to London.

Debbie, on her release after seven months in Holloway, rejoined her husband and son in St Vincent, where Kymani is now in the "gifted and talented" class of his secondary school. The family could not be happier in their new life, supported by the stepfather's work in the building trade, and a case that must have cost a sizeable sum of public money is now closed – which is why the family can be named and their story told.

The question that remains, as in so many similar stories I have reported here, is this: how is it that our social workers can seem so determined to travel abroad, to remove children from loving parents by whom they have never been harmed, to put them in the care of strangers back here in Britain – at a cost to the taxpayers that, with the very considerable fees paid to foster carers and teams of lawyers, can eventually run to hundreds of thousands of pounds?

A full and proper answer to that question would tell us a great deal about how and why our "child protection" system has gone so bizarrely off the rails.

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## **Australia's scandal of forced adoption is happening here in Britain**

***The forcible removal of children by social workers in Australia between the 1950s and the 1970s has parallels with what is happening in British courts today***

The Daily Telegraph (23.03.2013) - Listeners to Thursday's Today programme heard a truly remarkable item. The presenter Sarah Montague reported that the Australian prime minister, Julia Gillard, had issued a solemn apology for the forced-adoption scandal.

Between the 1950s and the 1970s, thousands of young Australian women – many of them unmarried mothers – had their children forcibly removed, often at birth, by social workers who then sent the children off for adoption. Ms Montague interviewed one such mother, who described how she had been arrested when pregnant by the police and incarcerated in a special unit, where, the moment her baby was born, it was removed by social workers and handed to a family that lived three doors down the road.

Ms Montague was astonished by what she heard. "It sounds terrible," she said, "how was it allowed to happen? How was it considered acceptable?" After a pause when the interview finished, her equally shocked co-presenter, Evan Davis, said: "We're in stunned silence."

What is astonishing about this, of course, is the reaction of the Today journalists. They are clearly completely unaware that similar events to those they found so shocking are occurring here in Britain every day of the week. The latest figures show that applications to take children from their parents into care continue to break all records – nearly 1,000 a month in England and Wales alone – and far too many of these child-snatchings have no more rational or humane justification than those for which Ms Gillard was belatedly apologising.

For some years now a handful of journalists, including Camilla Cavendish on The Times, Sue Reid of the Daily Mail and several writers on The Sunday Telegraph, including me, have been trying against all the odds to lift a tiny corner of the veil of secrecy that hides what is routinely going on in our social-service departments and family courts. Our own forced adoption scandal is a tragedy just as terrifying as anything that happened in Australia all those years ago.

But I am also reminded of the occasion on February 24, 2010, when Gordon Brown, David Cameron and Nick Clegg all stood up in the Commons to apologise for the equally shocking scandal that had long since been brought to light over the fate of some 50,000 bewildered British children, who were torn from their families half a century ago or more, to be sent off to a miserable new life in Australia and Canada. Only decades later did the tireless efforts of Margaret Humphreys, a former British social worker, bring this tragedy to public view (described in her heartrending book, *Empty Cradles*).

Clearly, when they uttered their apologies, Brown, Cameron and Clegg had no idea that something just as horrifying was going on under their noses at the very time they were speaking. Doubtless we shall have to wait for another 30 years, for another generation of politicians to utter empty apologies for the crimes that were being committed behind closed doors in the Britain of 2013 – when there is no longer anyone around to be held accountable for what our politicians of today are still allowing to continue.

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