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ROYAL HOLLOWAY LAW AND
CRIMINOLOGY GAZETTE





This is our last issue for the academic year.
Submissions for the start of the next one will be
announced over summer!

This is a gazette made for the students, by the students. We want this to be your platform for academic discourse and keeping up with the department/industry.

We also encourage all non-law readers to make submissions. You do not need to study the subject to write on it!

For any further queries, suggestions or questions please contact the editorial team at:

lawgazette.rhul@gmail.com

EDITOR'S NOTE



Setting a precedent

Dear reader,

I trust that your term has been going well. I imagine that at this time of year you are committed to working on applications, examination prep and societal activities. As we near exam season, it is important that you keep yourself motivated by sticking to a routine.

After the publication of our first issue, the team could not be happier with how the student body has received the gazette. With over 600 reads and a circulation across the School of Law and Social Sciences, the generated response has been positive. Additionally, the publication was commended by our principal Professor Paul Layzell, as well as academics from other universities.

With this issue, we have a range of interesting and contemporary topics ranging from Brexit to the development of new age assets such as cryptocurrency. We have also introduced a new academic segment detailing conversations with experts in the faculty, on important issues in the fields of law and criminology.

Towards the end of this term, we will start to recruit candidates for next year's editorial team. If this is something you are interested in, please keep an eye out for any announcements or contact us. With the standard of work produced for this gazette, the faculty will also soon be deciding who they think has written the best contribution! We will be handing out the award in the coming month.

We are grateful for the support shown so far and aim to continue to provide you with a platform for academic discourse and commercial insight. The precedent we set this year collectively as a student body in supporting this initiative will benefit our community for years to come!

A handwritten signature in black ink, appearing to read 'Suhail Mayor'. The signature is fluid and cursive, with a long horizontal stroke at the end.

SUHAIL MAYOR
Founding Editor-in-Chief

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Royal Holloway Chapel: Photo by Daniel Barter, Flickr

INDUSTRY UP

Important headlines from the quarter brought to you by the Commercial Awareness Society

2019 UK Retail Sales

2019 proved the worst year for UK retail sales. This comes from the British Retail Consortium and KPMG who state it was the worst on record. Cinema and dining sales saw an increase in Christmas sales, rising to 19% and 10% respectively. UK retailers had hoped to experience similar strong Christmas sales which unfortunately did not materialise. 2019 sales dropped by 0.9%, making the worst performance since 1995.



Photo by Heidi Fin, Unsplash



Photo by Ben Kolde, Unsplash

iPhone sales rise in China

Apple reportedly sold nearly 3.2 million iPhones in China in 2019. This equates to a staggering 18% rise. This market is notoriously competitive, with Huawei and other local companies dominating. This meant iPhone sales traditionally struggled. However, due to a strong marketing campaign and attractive discounting, Apple increased sales and its shares were up by 1.65% in response.

The death of General Soleimani

The US and Iran's relationship came to a boiling point when a US drone strike killed General Qasem Soleimani. President Trump claimed that Soleimani was responsible for killing millions and plotted to attack US personnel in Iran. It is believed that this action was triggered by an attack that took place on a US embassy in Iraq. Fears of escalating conflict have led to a spike in oil prices by over 4%.



Photo by Zbynek Burival, Unsplash

Google ends Double Irish tax avoidance scheme

The 'Double Irish, Dutch Sandwich' scheme previously allowed Google to reduce its tax burden by moving profits to low tax jurisdictions. Google's subsidiary in Ireland received profits from sales through tax-free internal transfers. In practise, this meant that profit generated in one country was logged as profit generated in a tax haven, allowing it to save hundreds of billions of dollars in tax. Ending this scheme will put Google in a better light with governments and simplify its tax arrangements.



Photo by Finshots

Y P D A T E S

UK Honours List Data Breach

Over 1000 politicians and celebrities had their addresses leaked on a government website. Ian Duncan Smith, Elton John and Ben Stokes were among the highest profile individuals affected. As well as this, the breach included leaking the addresses of senior Ministry of Defence and counterterrorism employees. The cause of this data breach is unknown. However, affected individuals can expect compensation as the data was live for 4 hours before being taken down.



Photo by Thomas Kelly, Unsplash

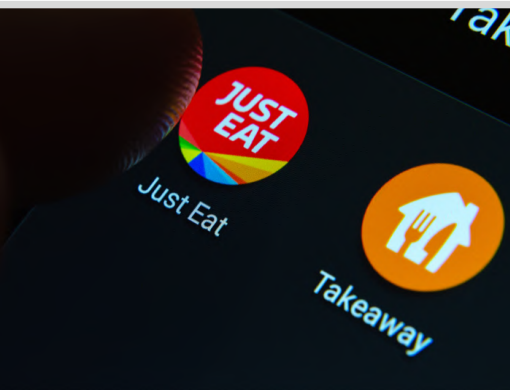


Photo by Verdict Foodservice

JustEat and Takeaway.com Merger

The food delivery industry is fiercely competitive. Once competitors, Takeaway.com and JustEat are currently undergoing a £5.9 Billion merger. This deal will see the former take 58% from the latter for 916p a share. In facilitating this merger, JustEat plans to sell its stake in iFood, a Brazilian food delivery firm. It is expected that this merger will be completed by February 2020, with both companies processing a £6.6 billion worth of takeaway orders this year.

Dixons Carphone Warehouse Fine

A data hack saw 14 million Dixons Carphone customers' details compromised. Hackers installed malware on the tills of 5390 stores. It was found that the company had failed to adequately protect data as it did not patch software nor carry out effective security testing. Dixons Carphone must now pay approximately £500,000 in damages.



Photo by Indigo Blue



Photo by Fallon Michele, Unsplash

US E-Cigarette Ban

Increasing evidence on the risks of vaping have contributed to the US banning flavoured e-cigarettes. Manufacturers such as Juul have attracted criticism for marketing their products towards younger generations. In light of this, the US have taken a major national measure in banning flavoured products. Tobacco and menthol flavoured vape products will continue to be sold to deter young people while providing adult smokers with a healthier alternative.

The UK and the Generational Divide

Jasmin Shahid, 1st Year - LLB Law

Photo 1 by Mathew Chattle, Rex/ Photo 2 by Markus Spiske, Unsplash



Social media has brought the idea of a 'generational divide' into the public psyche - generally known to be a clash of political, social and economic ideology that differs so greatly between the young and old it has become a chasm in the wider public relationship between generations. It is fueled by economic change, the increasing sense of climate and nuclear crisis, and the emergence of third-wave feminism, all of which contribute to an often brash and aggressive ideology in the face of the systems and institutions that older people have lived and abided by their entire lives.

One example of this is the emergence of the phrase 'ok boomer'. The boomer generation, in scientific terms, refers to the generation born between 1945 - 1965[1] but in popular media, it refers to anyone born earlier than the 90s - and sometimes including those who prove to be conservative in their views. A young politician, Chloe Swarbrick, used it to shut down an older heckler while giving a speech about climate

change.[2] Many young people, like Chloe, have used it to show exhaustion and frustration with the older generation, who we feel do not listen to us or dismiss us outright because they cannot see past their generational privilege. Older people have not seen it this way, with it being called the 'n-word of our generation'[3] and some American workplaces are even banning the phrase. Interestingly, those same workplaces allow homophobic behaviour which isn't banned under federal law,[4] which again shows the differing priorities of the younger and older generations.

An area in which the generational divide is not so clear is feminism. Feminism is an ideology that both younger and older women can embrace, rather than being a generational philosophy. For example, in the BBC pay scandal, it was older women leading the charge. The pay gap scandal of 2017 showed us that the highest female earner had £500,000 while the highest male earner had somewhere between £2.2m and £2.25m[5]. This is at least three times less. Although the gender pay gap has been closing steadily since the 1990s, there is still a massive gap to close, and women have had enough of it. The #PayMeToo movement of 2018 came directly after and it was designed to keep the pressure up on employers to close the pay gap. The government has taken action by displaying data on its website. Career-wise, women are breaking through into traditionally masculine roles, like law. In the government's official judiciary statistics, from 2018[6] to 2019[7], we have seen a 3% rise in the proportion of female court judges, although disappointingly, the number of black and ethnic minority judges across the profession stayed the same. Lady Hale, an older woman, has come

Footnotes

- [1] Jessica Lindsay, 'What Generation Am I And What Do They Mean? From Baby Boomers to Millennials' Metro (29 January 2018 <<https://metro.co.uk/2018/01/29/generation-mean-baby-boomers-millennials-7267464/>> accessed 4 November 2019.
- [2] BBC News, 'OK boomer: 25-year-old New Zealand MP uses viral term in parliament' BBC News (7 November 2019) <www.bbc.co.uk/news/world-asia-50327034> accessed 10 November 2019.
- [3] Ryan Miller, 'Bob Lonsberry compares 'boomer' to N-word; Dictionary.com tells him to watch his language' Democrat & Chronicle (November 6 2019) <<https://eu.democratandchronicle.com/story/news/2019/11/05/bob-lonsberry-ok-boomer-meaning-n-word-twitter-trending-millennials-dictionary-radio-host-tweet/4161426002/>> accessed 12 November 2019.
- [4] Reiss Smith, 'Using 'OK boomer' in the workplace could be against the law yet LGBT people can still be fired for simply existing' PinkNews (November 11 2019) <www.pinknews.co.uk/2019/11/11/ok-boomer-workplace-discrimination-lgbt-supreme-court-twitter-employment-law/> accessed 12 November 2019.
- [5] BBC News, 'Female stars call on BBC 'to sort gender pay gap now'' BBC News (23 July 2017 <www.bbc.co.uk/news/uk-40696402> accessed 15 November 2019
- [6] Ministry of Justice, 'Judicial Diversity Statistics 2018' Courts and Tribunals Judiciary (12 July 2018) <www.judiciary.uk/wp-content/uploads/2018/07/judicial-diversity-statistics-2018-1.pdf> accessed 21 November 2019.
- [7] Ministry of Justice, 'Judicial Diversity Statistics 2019' Courts and Tribunals Judiciary (11 July 2019) <www.judiciary.uk/wp-content/uploads/2019/07/Judicial-Diversity-Statistics-2019.pdf> accessed 21 November 2019.

into mainstream British politics in the wake of Brexit and the Supreme Court's decision that Parliament was prorogued unlawfully. While younger women have shaped third-wave feminism as being unapologetic, driven, and intersectional, it is older women who are stepping up to uphold these core ideas, defying the idea of a divide between us.

In popular media, older people have consistently delivered powerful, representative media for young people's consumption. Female authors like Suzanne Collins, Margeret Atwood and Veronica Roth write strong female leads into their stories, with a focus on self-reflection and rebellion against their dystopias rather than prospects of marriage. Youtuber Lilly Singh has become the only openly bisexual, Indian woman to host a talk show on a major channel[8]; this is a landmark breakthrough in getting representation for minorities on-screen. 2020 will see five female-directed films[9] in the traditionally white, male superhero industry, which is another breakthrough. In 2018, Black Panther's majority black cast, featuring natural hairstyles, different languages and homage to African tribal culture[10] allowed a new generation of minority women to see themselves represented on screen, and to imagine a world free of white supremacy and colonialism, where they might have grown up had their ancestors not been part of the slave trade. Spider-Man: Into the Spider-Verse featured a black male lead, Miles, whose family spoke Spanish on-screen. All of these films have powerful messages for young men and women alike and all of them have been made by older people.

The age of social media, and social unrest, has further driven a wedge between generations in disconnecting our experiences with that of our elders. Those of us who were born in the late 1990s/early 2000s have never experienced a time without global threat. 9/11 marred our early childhoods. We feel the imminent threat

of climate change hanging over us; we are faced with seeing a possible war with Iran. The resurgence of Dadaism comes as a growing sense of nihilism starts to pervade young people in the face of environmental, political, and social threats all around us. Part of this is because of the failings of the NHS[11] to help us overcome our mental health problems, so we have had to find other outlets and ways of coping - one that presented itself in the form of social media where the use of emojis, gifs, and punctuation has contributed to a new niche of language that doesn't require traditional forms of communication. The internet provides an anonymous safe space for LGBT and minority students too, where they might not find a space in their homes or communities because of traditional attitudes. That's not to say that things like the 'dark web' and other disturbing parts of the internet don't exist - just that someone who is looking for support may find it much more easily and safely than in the physical world. The disconnect this creates from the physical world - and to the older generation - further creates a generational divide.



Photo 3 & 4 by Canva

With all of this in mind, let's think of the recent general election, which cemented Boris Johnson's place as the Prime Minister. Labour saw the most significant reduction in support since the 1990s, marking the failure of Corbyn to earn the public's trust. It was surprising,

Footnotes

- [8] Rolling Stone India, 'YouTube Star Lilly Singh is the First Woman of Indian-Origin to Host a U.S. Late Night Show' Rolling Stone India (16 March 2019) <<https://rollingstoneindia.com/lilly-singh-late-night-show/>> accessed 25 November.
- [9] Tara Sonin, 'Women will direct four major superhero movies due out in 2020, so take that, Golden Globes' Hello Giggles (11 December 2019) <<https://hellogiggles.com/reviews-coverage/movies/2020-superhero-movies-women-directors/>> accessed 15 December 2019.
- [10] Nicol Turner Lee, 'Black Panther: Lessons in Hollywood diversity and black pride' Brookings (26 February 2018) <www.brookings.edu/blog/up-front/2018/02/26/black-panther-lessons-in-hollywood-diversity-and-black-pride/> accessed 18 December 2019.
- [11] Rob Behrens, 'NHS failing patients with mental health problems' Parliamentary and Health Service Ombudsman (20 March 2018) <www.ombudsman.org.uk/news-and-blog/news/nhs-failing-patients-mental-health-problems> accessed 15 December 2019.
- [12] Josh Holder Caelainn Barr and Niko Kommenda, 'Young voters, class and turnout: how Britain voted in 2017' The Guardian (20 June 2017) <www.theguardian.com/politics/datablog/ng-interactive/2017/jun/20/young-voters-class-and-turnout-how-britain-voted-in-2017> accessed 15 December 2019.
- [13] BBC News, 'Extinction Rebellion Protests: What happened?' BBC News (25 April 2019) <www.bbc.co.uk/news/uk-england-48051776> accessed 02 January
- [14] BBC News, 'General election 2019: How big an issue is climate change for voters?' BBC News (6 November 2019) <www.bbc.co.uk/news/science-environment-50307304> accessed 02 January.

given that the 2017 'snap' election saw Labour gain 30 seats, the Lib Dems gain 4 seats and the Conservatives lose 13 seats; young, BAME voters were more likely to go with Labour[12], and turnout was higher than it had ever been for a general election. Although young people have been shown to care about issues like climate change, especially with the rise of Extinction Rebellion[13], according to YouGov, less than 30% of voters thought it was a deciding issue in how to vote[14] in 2019. The turnout has also been reported to be lower overall than 2017. However, it showed a renewed faith in conservative policy across those who voted, demonstrating that Johnson has the faith of the people, though what people they are we shall find out once the voter demographics have been released.

The issue of the generational divide is complex, and the lines are blurred. There are young people with very conservative views, and older people with liberal views; movements that benefit young people started by older people; literature about challenging society's faults aimed at young people but written by authors well into their mid-life. On the flipside, gen Z and millennials flood the streets with protests, the internet with blogs, defiant tweets and messages, the world stage with intellectual pursuit and compassion going hand in hand. Though there is a sense of change as under-25s get to university and start having a profound impact on the world, we will have to wait and see whether the generational divide is as impactful as the world - and indeed ourselves - make it out to be.

The Effect of Crypto Currencies on the Modern World

Olaf Gaanderse, 2nd Year - LLB Law

In 2009 the first cryptocurrency (also known as e-currencies) was introduced in the form of Bitcoin (BTC) by Satoshi Nakamoto. Since then, they have taken the financial world by storm with the great Bitcoin boom in 2017, at their highest point a single bitcoin was valued at 20 thousand US dollars. Essentially, cryptocurrencies are bundles of information connected between each other, creating a blockchain. These bundles of information are stored in a distribution ledger, allowing for secure transactions.[1] With no central bank to manage them, many individuals feel as if they have more freedom regarding their funds. However that is technically true, owning cryptocurrencies comes with a lot of uncertainties. The currency does not fluctuate in accordance with the same elements as fiat currencies do. They are very susceptible to fluctuations after good or bad news and the cost for mining one BTC.[2] Although e-currencies are not tangible they are gaining traction among some of the high street stores such as Starbucks and Whole Foods, enabling people to pay with them. To understand the future of cryptocurrencies and how they have affected the modern world, case studies such as Facebook's Libra and the Silk Road are presented. The case studies establish the current position of cryptocurrencies in the world and how the law is both dealing with them and planning to manage them in the future.

Facebook introduced their plans to create their very own cryptocurrency towards the end of June 2019 which have now been pushed back to 2020. Zuckerberg's vision was to create a currency which could 'lubricate life in the rich world and revolutionize it in less economically developed countries'.[3]



Photo 1 by Thought, Unsplash/ Photo 2, Austin Distel, Unsplash

According to Facebook's studies 1.7 billion people do not have access to a bank account, therefore Libra will not only expand Facebook into the financial sector but will also empower less fortunate individuals. However, the introduction of Libra has not gone quite the way Facebook anticipated it. At the OECD conference on cryptocurrencies, French minister of economy and finance stated that Libra should not be authorised in Europe as it could affect monetary sovereignty in a negative manner. It would centralise and privatise money by a sole actor which has more than 2 billion users on the planet. Regulators are also concerned that in times of crisis people might then abandon the national currency, which would ultimately complicate the government's efforts to manage the economy.[4] The ban in Europe and The United States has called for questions. Why can Paypal exist but not Facebook, even though they essentially do the same? They can both provide a platform to trade currencies with,

Footnotes

[1] Bank of England, 'What are crypto assets' (2017) <<https://www.bankofengland.co.uk/knowledgebank/what-are-cryptocurrencies>> Accessed 9 Jan 2020.

[2] Bloomenthal, A. (2020). What Determines the Price of 1 Bitcoin?. [online] Investopedia. Available at: <https://www.investopedia.com/tech/what-determines-value-1-bitcoin/> Accessed 9 Jan. 2020.

[3] The Economist. (2019). Is Libra doomed?. [online] Available at: <https://www.economist.com/finance-and-economics/2019/10/24/is-libra-doomed> Accessed 6 Jan. 2020.

[4] Partington, R. "France To Block Facebook's Libra Cryptocurrency In Europe". The Guardian, 2020, <https://www.theguardian.com/technology/2019/sep/12/france-block-development-facebook-libra-cryptocurrency>.

backed by real life assets. Politicians have answered this in very plain terms, Facebook "doesn't deserve our trust" and it should be treated like the profit-seeking corporation that it is"[5] Facebook's history regarding customer data protection, which became evident through the Cambridge Analytica scandal and their role in the spread of fake news and extremist videos has negatively impacted the ability to launch Libra.[6] Facebook's reason to launch Libra was one of good intentions, yet it seems governments have only looked at the negatives. However, according to Mark



Photo 3 by Canva

Carney, Libra could have a possibility of existing if it would be to meet the highest standards of prudential regulation and consumer protection, and address issues such as money laundering and data protection.[7] Ultimately Facebook's only chance of launching their cryptocurrency would be if they manage to convince governments that they have all bases covered concerning the safety of their consumers. Before this happens the chance of launch is very slim, partially the fault of governments themselves due to the lack of existing legislation surrounding cryptocurrencies.

Cryptocurrencies first became a problem for governments in about 2011 when the Silk Road was launched on the deep web. It was considered to be one of the first digital black

market drug markets, known for using Bitcoins as a means of paying. The deep web, also known as the dark net, are parts of the internet which cannot be accessed through the regular World Wide Web, the contents are not indexed by standard web search-engines. They are only accessible through a browser called Tor which was initially created by the US Naval laboratories, to hide their intelligence communications. The Silk Road had individual sellers who operated through the page, being paid in Bitcoin due to its very secure nature. Once the drugs were purchased a dealer near the buyer would simply deliver the drugs to your doorstep with no further action needed. Although 70% of the Silk Road consisted of drugs it was also a popular means of money laundering. It was thought that the sale of drugs alone was worth 35-40 million a year.[8] When the FBI became aware of the Silk Road they started an investigation with the goal of finding the administrator of the page. Because Bitcoins were the only form of payment, the FBI who partnered with the DEA, IRS, and Customs agents were faced with the task of breaking down all the block chains to find IP addresses. After a two year long investigation they finally managed to find Robert Ulbricht who had reportedly earned over 80 million in commissions of drug sales and money laundering[9]. 144 thousand Bitcoins were seized which were then valued at 122 million. [10] Unfortunately for the FBI a new Silk Road was launched within 6 months.

Both these case studies have presented governments with the same question. What can be done to stop this? Sadly for governments there is very little they can do. The ECB introduced a scheme for virtual currency owners to register as financial institutions in their respective jurisdiction to allow for oversight and regulation.[11] With

Footnotes

[5] Cuthbertson, A. (2019). Facebook's Libra cryptocurrency 'will be blocked in Europe'. <<https://www.independent.co.uk/life-style/gadgets-and-tech/news/facebook-libra-cryptocurrency-bitcoin-europe-france-ban-block-latest-a9102171.html>> Accessed 6 Jan. 2020.

[6] Kleinman, Zoe. "Cambridge Analytica: The Story So Far". BBC News, 2018, <<https://www.bbc.co.uk/news/technology-43465968>>.

[7] S. Brian, "Carney Urges Libra-Like Reserve Currency To End Dollar Dominance". Bloomberg.Com, 2018, <<https://www.bloomberg.com/news/articles/2019-08-23/carney-urges-libra-like-reserve-currency-to-end-dollar-dominance>>.

[8] Howell, Patrick, "How big is the Internet's most notorious black market?". The Daily Dot. 1 August 2013, <<http://bit.ly/1tHF8ON>>.

[9] Frankenfield, Jake. "Silk Road Definition". Investopedia, 2019, <<https://www.investopedia.com/terms/s/silk-road.asp>>

[10] ibid 9.

[11] EUROPEAN CENT. BANK, supra note 1, at 44.

Bitcoin, there is no central owner that could be so compelled. The European Central Bank even admitted "governments and central banks would face serious difficulties if they tried to control or ban any virtual currency scheme." Any such attempt would be severely hampered by the lack of geographical boundaries. In the specific case of Bitcoin, "there is not even a central point of access, i.e. there is no server that could be shut down if the authorities deemed it necessary."^[12] Bitcoin will most likely be controlled and regulated through the regulation of; exchanges, trading floors and other financial entities developing around Bitcoin.^[13] For example in France the government regulates payment service providers and allows individuals to exchange BTC within the European regulatory framework. The problem is, however, that these are all regulations regarding legal exchanges and uses of cryptocurrency. Governments have not found any ways of stopping them from being used for criminal goals, apart from a decision in a recent High Court case.^[14] This case ruled that cryptocurrencies are now considered as property^[15], which means that police now have the ability to investigate cryptocurrency theft cases. The ruling was revolutionary, cryptocurrencies are essentially bundles of data and under English law data cannot be stolen.^[16] These investigations could possibly lead to finding criminal organisations. The arrival of Bitcoin and the wave of new cryptocurrencies that followed have caused problems for businesses and governments. With such a large presence in modern society and with popularity growing it is strange to think that these currencies are almost invincible. If institutions such as the FBI take almost 2 years to remove one website how long would it take to remove Bitcoins as a whole, if they finally decide to pull the plug. It will therefore be very interesting to follow the

development of law and new regulation methods against illegal activities. The real question is, can anything be done to something that doesn't actually exist?

Footnotes

[12] Nakamoto, *supra* note 14, at 3-4; Andresen, *supra* note 16.

[13] Turpin, Jonathan B. "Bitcoin: The Economic Case for a Global, Virtual Currency Operating in an Unexplored Legal Framework." *Indiana Journal of Global Legal Studies*, vol. 21, no. 1, 2014.

[14] Billow, A. (2019). High Court tackles Bitcoin 'property' first | Angela Billow | CDR Article. [online] Arbitration, Litigation, Dispute Resolution | CDR Magazine. Available at: <<https://www.cdr-news.com/categories/litigation/10003-high-court-tackles-bitcoin-property-first>> Accessed 3 Jan. 2020].

[15] S. Robert, Decrypt, UK High Court ruling over \$1 million hack implies Bitcoin is "property", August 2019, <<https://finance.yahoo.com/news/uk-high-court-ruling-over-203608466.html>>.

[16] *Robertson v Persons Unknown* [2019] ; Authority: Singapore International Commercial Court, *B2C2 v Quoine Pty* (2019), which held that cryptocurrencies meet all the requirements of a property right.

Politicians can say what they like and there's nothing you can do about it: political accountability, what it is and why we have it.

Callum Millard, 2nd Year - Law LLB



Photo 1 by Emily Dag Unsplash/ Photo 2 by Britannica

In May 2016, Boris Johnson, then a backbench MP, unveiled the 'Brexit Bus' with a slogan suggesting that the UK sent £350 million each week to the European Union (EU). This has since been proven misleading and described as a 'clear misuse of official statistics.'^[1] The current leader of the opposition, Jeremy Corbyn, has also come under fire, over his perceived backtrack on a promise in the lead up to the 2017 general election that he would 'deal with'^[2] the debt accrued by students, through university tuition fee loans, if he came into power. Neither persons have been legally reprimanded. Furthermore, should Jeremy Corbyn have come into power, he would have been under no legal obligation to implement the free university tuition for all, which he promised through the Labour Manifesto for the 2019 election.^[3] So, why are politicians not held to account in the eyes of the law for the things they say in their role as a politician?

Furthermore, should politicians be held accountable in law for what they say and do in their roles as politicians?

The privilege of Parliament

The driving mechanism in preventing the legal accountability of politicians is parliamentary privilege. Parliamentary privilege extends further than merely governing members of parliament, but for the purposes of this article an examination will only take place of the rights and immunities accorded to Members (MPs).^[4] Politicians in both houses - Lords and Commons - hold the privilege of freedom of speech. This is not to be confused with the freedom of speech that many of us find in our day-to-day lives. However, it does serve a similar purpose. For an MP, the freedom of speech under parliamentary privilege means that, whilst they are within the confines of the Houses of Parliament (in the course of Parliamentary proceedings), they are unable to be sued, and even unable to be held criminally liable for things said.^[5] MPs are quite within their rights to frankly disregard and break the law without fear of prosecution through legal action in regards to what they say in Parliament. Most notably, MP John Hemming (Liberal Democrats) used his parliamentary privilege to speak the name of well-known Welsh footballer - Ryan Giggs - even after there had been an injunction from the High Court to prevent the footballer's name from being revealed.^[6] Whilst the legal team of the footballer was able to bring legal action against the newspapers reporting the news, and individuals online for revealing the name, no legal action could be taken against the MP.

Footnotes

[1] Letter from Sir David Norgrove, Chair of the UK statistics Authority to the Rt Hon Boris Johnson MP (17th Sept 2017).

[2] Mike Williams with Jeremy Corbyn, Jeremy Corbyn answers your questions - the full NME cover feature (NME 8 June 2017) <www.nme.com/features/jeremy-corbyn-interview-2017-cover-feature-labour-2082433> accessed 16 January 2020.

[3] The Labour Party, It's Time for Real Change Manifesto (2019) 46.

[4] For a full detailing of all Parliamentary Privileges see Erskine May, Parliamentary Practice (24th edn, Lexis Nexis 2019).

[5] UK Parliament, MPs' guide to procedure - Freedom of Speech (UK Parliament 2020)

<<https://beta.parliament.uk/articles/szEQIFBF>> accessed 16 January 2020.

[6] CTB v News Group Newspapers Ltd [2011] EWHC 1232 QB.

Why are MPs protected?

In 1689 the Bill of Rights^[7] was passed in order to ensure separation between the monarchy and parliament. Special provisions were put in place, such as ensuring frequent parliamentary meetings, free elections as well as freedom of speech (a parliamentary privilege), to ensure (among other reasons) that the monarch could not reinstate taxes without Parliamentary approval. Nowadays the principals serve a slightly different purpose. MPs are elected by their constituency members with a primary function to represent them at a national level through parliament. As such, it is a principle requirement that MPs must address contentious issues that their constituency deems appropriate. They must be afforded the platform on which to express an opinion, on behalf of their constituents, 'or condemn corruption, malpractice or even criminal activity without fear of legal action.'^[8] Freedom of speech promotes this function. Politicians, in the majority, are considered highly educated and literate individuals, yet appear afforded privileged protection based on the presumption that they may inadvertently (or purposefully in John Hemming's case) bring themselves within scope of civil or criminal liability whilst representing their constituents. Hemming need not even provide a good reason for his use of the privilege to defame the High Court - 'privilege is absolute.'^[9]

But the issue runs deeper. A key principle in UK democracy is that its legal system (judiciary) remains separate from both government and parliament. If the judiciary were to be allowed to hold MPs, and government ministers, legally accountable in the course of their work it would be a serious challenge to the principle of separation. The United States of America has experienced cases where judges have been paid kickback - essentially commission for convictions.^[10] Whilst this does not involve integration of the

judiciary into government, it does highlight why the judiciary should be separate the activity of both the private and public sectors (i.e. business and government). If the judiciary and parliament became integrated, it would run the risk of judicial decisions being based on the political votes to be gained or lost. Parliamentary privilege prevents the involvement of the judiciary in parliament, and accordingly helps prevent the involvement of parliament in the judiciary, thus ensuring separation exists and remains.

Promise after promise

What of the information provided in the set out of this piece? Boris Johnson and Jeremy Corbyn made their claims outside of parliament, outside the scope of parliamentary privilege, so must be held accountable, right? Wrong!

Politicians are the least trusted professional persons in the country, and perhaps rightly so.^[11] Even when not in parliament, politicians can still make assurances, promises and all other manner of representations that they cannot be held to, in any tangible (i.e. legal) sense. Whilst often politically and socially berated for false or misleading statements in the course of campaigns, politicians cannot be held accountable by the judiciary, even when their actions would otherwise be enough to amount to fraud. Boris Johnson was taken to court over his '£350 million a week' claim during the referendum campaign.^[12] Despite the statement being proved misleading,^[13] the case against him was quashed.^[14] The reasoning being that it is considered the responsibility of the opposing campaigners to 'debate the relative merits' of what the other party says, claims or argues in the course of a campaign.^[15] What this essentially means is that the judiciary stays out of it; campaigners campaign and it is for the opposing campaigners to disprove any statements made.

Footnotes

[7] The Bill of Rights 1689.

[8] (n 5).

[9] HC Dec 23 April 2008, vol 474, col 1313.

[10] *Pennsylvania v Conahan* [1991] 527 Pa 199.

[11] Ipsos MORI, Veracity Index 2019 - all professions overview (26 November 2019) <www.ipsos.com/ipsos-mori/en-uk/trust-politicians-falls-sending-them-spiralling-back-bottom-ipsos-mori-veracity-index> accessed 16 January 2020.

[12] *Johnson v Westminster Magistrates Court* [2019] EWHC 1709, [36].

[13] (n 1).

[14] (n 12).

[15] Electoral Commission, Commission Report on the 2016 Referendum (2016) para 3.98.

Some actions are, however, prohibited, such as creating false statements about another candidate.^[16] But be aware that when the manifesto 'promises' of political parties are released, the promises within need not bear resemblance to the policies implemented by the party when in power. Students may delight at the thought of Jeremy Corbyn's Labour Party promise to end student fees, but must be aware that no legal mechanism requires him or his party to deliver on such a promise.

Footnotes

[16] Corrupt and Illegal Practices Act 1883.

Should the 'Rough Sex' Defence Have Legs to stand on in Court?

Shivani Khatri, 3rd Year - LLB Law

"She said she was fine." [1] John Broadhurst was able to reduce his sentence of murder to manslaughter due to this claim that Natalie Connolly was "fine". This was said in court despite evidence stating that Connolly lay at the bottom of the staircase unconscious and bled profusely. Such injuries were sustained purely from rough and aggressive sexual intercourse performed by Broadhurst yet a conviction of murder was not given. Due to Connolly's initial consent, the 'rough sex' defence was used to diminish the mens rea of such a crime and Broadhurst was not convicted of murder but manslaughter [2]. This highlights how such a defence is often used in courts to escape or reduce liability of the heinous sexual crime committed. It shifts the blame onto the woman due to the initial consent given. This article is going to explore whether such a defence should stand in court and its negative effect on women.

Sexual preference is unique and personal to all. There is no need to conform to the same practices. However, this sexual freedom becomes a problem when it causes a woman to be sexually assaulted. Women are entitled to enjoy 'rough sex' but when this consent is exploited and the perpetrator becomes overly aggressive, full liability should be rightfully accorded. This 'rough sex' defence "has no official status in law" [3] yet successfully reduced 16 out of 57 convictions to manslaughter from murder. Such a statistic is quite alarming as it shows its strength in influencing judicial sentencing in serious matters. This article is not concerned with criminalising every form of rough sexual intercourse or small injuries sustained. If a woman consents to and requests rough sex



Photo 1 by Hollie Richardson, Stylist/ Photo 2 by Mark Baker, AP

minor scratches and bumps are inevitable. This is even reflected within the courts when such acts liken normal activities, as opposed to violent crimes. For example, in *R v Wilson* [1996] [4] the wife consented to being branded on her buttocks with a hot knife. This consent was upheld, and no conviction was made, for ABH under s47 Offences Against the Persons Act, as it was akin to tattooing as opposed to sado-masochistic practices.

It is when cases have much more severe consequences that the courts should allow no room for the 'rough sex defence', such as *R v Emmett* [1999] [5]. Acts of suffocation and suffering from burns, thereafter causing unconsciousness, cannot be defended by consent. No sane woman consents to such aggression and pain whilst no sensible man should act in such a way. Yet, Broadhurst was only convicted of manslaughter due to initial consent. It is just "a new twist on the old "she asked for it" defence" [6] which blames women for their own ,

Footnotes

[1] *R v John Broadhurst* [2018] Birmingham Crown Court (unreported) <<https://www.judiciary.uk/wp-content/uploads/2018/12/broadhurst-sentencing-remarks.pdf>> accessed 19 January 2020.

[2] Lizzie Dearden, Millionaire who claimed his girlfriend died accidentally after 'rough sex' loses appeal against prison sentence' *Independent*, 14 November 2019 < <https://www.independent.co.uk/news/uk/crime/rough-sex-murder-john-broadhurst-natalie-connolly-death-defence-appeal-latest-a9203421.html> > accessed 19 January 2020.

[3] Owen Bowcott, Concern grows over 'rough sex gone wrong' defence in courts [*The Guardian*, 22 November 2019] < <https://www.theguardian.com/law/2019/nov/22/concern-over-use-rough-sex-gone-wrong-defence-uk-courts> > accessed 16 January 2020.

[4] 2 Cr App Rep 241.

[5] EWCA Crim 1710.

[6] George E. Buzash, *The Rough Sex Defense* [1989] *Journal of Criminal Law and Criminology*, Vol 80, Issue 2.

pain. There is a reason that the consenting men in *R v Brown* [1993][7] were convicted as allowing extreme sadomasochistic acts through the 'rough sex' defence, would be a floodgate which women will fall victim to. It is an illogical defence which masks the true liability and wrongful acts of the perpetrator.

Not to mention, it adds to the pre-existent reservation amongst women against reporting their case of rape or sexual assault. Whilst the law tries to be a backbone for women to rely on in times of need, only 15% of women who experience sexual assault actually report their crime[8]. A leading reason for this is the difficulty in proving your claim with evidence, which is challenging in cases of rape. This fear is exacerbated by the 'rough sex' defence as there is more room for the complainant to not be trusted due to their initial consent. Even if the woman enjoyed 'rough sex', surely the 57 women killed in claims of 'sex, gone wrong'[9] did not consent to their death. In the fortunate cases where women survive their injuries, more pain follows in the resultant court trial. In *Mohammed Razzaq v Her Majesty's Advocate* [2017][10], the defendant inserted a deodorant can into his partner's vagina, causing extensive internal bleeding. Whilst she denied consent, her past eluded to desire for unusual sexual experiences and consent was found through this, overturning his conviction. Despite s.41 of the Youth Justice and Criminal Evidence Act 1999 restricting 'evidence or questions relating to the complainant's sexual history'[11], only when the judge allows, it was this very method which undermined her entire case. S.41 is complex in that previous sexual history can provide pivotal details for a case to be fully understood and avoid wrongful convictions. However, once it becomes a tool for injustice, allowing Razzaq to avoid any sentence, this should be reassessed. It shows the practical effect of the 'rough sex' defence- it can be

used even when initial consent is not present but past behaviour suggests preference to such sexual intercourse. It undermines the very women that we need to protect.

Our judicial system is arguably made by men for the benefit of men[12]. Women's voices tend to be overshadowed by the overwhelming male presence in the system so surely in a case of unjust brutality, we should support and raise the voices of our women. Allowing this 'rough sex' defence makes women feel as if they cannot get justice as their own words will be used against them. Some women are not lucky to enough to even use their voice after the violent assault. Hopefully, the new Domestic Abuse Bill 2019 and the "We Can't Consent to This" campaign succeeds in rightfully reforming and consequently removing such a defence. It is our duty to empower women to speak their truth and protect them when vulnerable against the hands of violent perpetrators which this defence entirely undermines.

Footnotes

[7] UKHL 19.

[8] Office for National Statistics, 'An Overview of Sexual Offending in England and Wales' [ONW, 10 January [2013] <<https://webarchive.nationalarchives.gov.uk/20160106113426/http://www.ons.gov.uk/ons/rel/crime-stats/an-overview-of-sexual-offending-in-england---wales/december-2012/index.html> > accessed 17 January 2020.

[9] Ibid 3.

[10] HCJAC 45.

[11] ibid.

[12] Joanne Conaghan, Reassessing the feminist theoretical project in law, (2000) *Journal of Law and Society* 27.3: 351-385.



Photo by Sara Kurfieb, Unsplash

A REVOLUTION ON THE EUROPEAN UNION?

Märta Iversen Ohlsson, 2nd Year - LLB Law

On June 23rd of 2016, the idea of the European Union (EU) as a multinational, economic, legal and political union changed drastically, to say the least. The EU referendum in the United Kingdom opened its citizens' eyes to some of the genuine and false drawbacks of their country's membership. As of David Cameron's announcement that a referendum would take place, most European citizens including myself were assured that nothing would change, it would simply be foolish and inconvenient. But low and behold, here we are in the midst of one of the most significant and complex political revolutions in EU history.

Brexit negotiations went on for so long, that despite daily updates from most news outlets, nothing was really changing. After years of parliamentary discussion, and the Conservative victory in December 2019, the process of the UK leaving the EU has begun. Despite this, many things are still unsure, both domestically and regionally. It raises the interesting question - how has the political landscape in other Member States and their attitude to collaboration in the EU changed?

Europe has over the past decade seen a wave of far-right extremist parties gain power in several countries, Germany, Sweden and France to only name a few. Nationalism, immigration and border security are heated topics that parliaments around Europe have discussed at length. In the 2016 Bratislava Summit, Member States of the EU concluded that despite the UK's exit, the Union as we know it today would survive, but I am not too sure of that. While a large majority of Member States are in favour of the economic advantages of their EU membership, they fear to have to surrender their sovereignty and lose control of that within their borders.

Eurosceptic parties in France are critical to the EU's neoliberal agenda and democratic deficit. Marine Le Pen, the leader of the French political party the National Front saw great success in the 2017 presidential election by acquiring 33.9% of voters[1]. With an emphasis on French nationalism and anti-EU proposals, the party's major policies were opposition to NATO, the EU, the Schengen Area and the Eurozone. Marine Le Pen lost the election to Emmanuel Macron though, it is indeed worth paying attention to the fact that an extremist, Eurosceptic party gained 33.9% of French voters trust. A significant share of Frenchmen are dissatisfied with the EU and therefore vote for change.

Footnotes

[1] "French Presidential Election - Second-Round Results" FRANCE 24 (2017) <<http://graphics.france24.com/results-first-round-french-presidential-election-2017/>> Accessed: January 11, 2020.

Similarly, the populist Swedish Democratic Party announced a proposal for Sweden to also leave the EU if they acquired a majority in the Swedish parliament. The word "Swexit" headlined on all major news broadcasts, though, in early 2019 their leader Jimmy Åkesson announced the abandonment of that proposal and stated that now is a better time than ever to change the EU from within to move towards a merely economic union. With roots in fascism and white national movements, the Swedish Democratic Party entered the Swedish parliament in 2010 with 5.7% of votes[2] and increased in popularity to the extent of becoming Sweden's third largest party in the 2018 election[3].

Legally, what significance does this increase in Euroscepticism hold? A Member State's exit from the EU is an unexplored concept as it has never fully happened before. Prior to the realization of Brexit Art 50 TEU[4] had not been triggered since its creation during the 2002-2003 European Convention. During the Convention, the UK and Denmark pushed for an exit clause as a way out in case of a Member State's dissatisfaction with the EU. Though, the actual exit is not the main issue more so how trade agreements would be solved between the EU and the UK as of their withdrawal from the customs union. This is of course still in a state of legal uncertainty as the UK are in a transition period of exiting the EU.

Eleonora Poli discusses different Member State's views on how they are experiencing Brexit and the current political climate[5]. France appears to be sympathetic with the UK's decision to withdraw which comes as no surprise considering Marine Le Pen's success. Likewise, in Sweden, she addresses the advance of the Swedish Democratic Party and their proposal for a UK-style referendum. Yet, this increased concern over "Swexit" rumours have resulted in 63% of Swedes insisting that if a referendum would be held, they would vote against it[6]. Eleonora Poli also presents statistics as to EU citizens reactions to Brexit stating that the Scandinavian countries fear a domino effect, while France and Italy understand why Britain wants to opt-out. Furthermore, a majority of Member States considers that the UK should not be allowed to re-join the European single market without accepting the free movement of people. Generally, this points towards a degree of protectionism from Member States, not allowing the UK to pick and choose what parts of the EU to remain a member of. These statistics also reflect a torn Europe on how to proceed. While it does seem like the remaining member states are concerned by the uncertainty of Brexit which suggests against a domino effect and more so towards a time of reform.

The undeniable rise in Euroscepticism has presented the Member States with a possibility of change from within, which most definitely has weakened the EU. Notwithstanding this, the complex and prolonged process of Brexit has acted as a deterrent force against itself, shown most notably by former Eurosceptic parties changing their agenda. Is there an ongoing revolution on the European Union? Perhaps. But I believe it would rather come in the shape of reform rather than new referendums.

As an EU citizen utilizing my right to free movement by living in another Member State, I am immensely curious to see how Brexit is going to play out and what implications it is going to have on myself and other EU citizens.

Footnotes

[2] "Election Results 2010" Val.se (2010) <<https://data.val.se/val/val2010/slutresultat/R/riks/index.html>> Accessed: January 12, 2020.

[3] "Election Results 2018" Val.se (2018) <<https://www.val.se/servicelankar/other-languages/english-engelska/election-results-2018.html>> Accessed: January 12, 2020.

[4] Article 50 Treaty on European Union 2007.

[5] Eleonora Poli, Mapping Member States' Stances in a Post-Brexit European Union. Istituto Affari Internazionali (IAI), (2016), www.jstor.org/stable/resrep09780.

[6] Gabriel Samuels, "Sweden's Support for the EU Has Surged since the Brexit Vote" The Independent (2016) <<https://www.independent.co.uk/news/world/europe/brexit-latest-news-sweden-support-eu-swedish-membership-surges-a7136426.html>> Accessed: January 16, 2020.



Photo by Emanuelle Dumand, AFP

IS CHINA TOO POWERFUL TO BE HELD ACCOUNTABLE?

Vaneeza Atta, 3rd Year - Law LLB

More than one million ethnic minority Muslims, predominantly Uighurs, are estimated to be detained without trial in the north-western province of China, Xinjiang.[1] China describes these detention centres as vocational training institutions for undereducated minority groups, designed to combat terrorism and extremism.[2] This does not conform with what the centres have been accused of. Frequently referred to as concentration camps, the centres have been reported as a measure to eradicate Uighur culture and faith in the region. There have been countless accusations of severe human rights violations and attempts to 'brainwash' detainees into swearing allegiance to China's ruling Communist Party. The Chinese government has consistently denied all accusations, despite evidence against them growing by the day. China's power, both within the United Nations (UN) and as a leading world-wide nation, is allowing it to commit these violations without accountability.

Before going any further, it is important to have some background on Xinjiang and the lead up to the camps. There is an extensive history of conflict between the Uighurs and the Xinjiang authorities, which began long before the detention centres. The Uighurs have suffered decades of oppression at the hands of the government. Chinese officials view Islam and Uighur culture as a threat to China's sovereignty, development, ethnic unity and population.[3] They are concerned that the Uighurs' 'extremist beliefs' could lead to separatism within the nation as the group have historically opposed the Chinese government.[4] Due to past terrorist attacks, independence movements and protests, any practice or expression of Islam is viewed as extremist. After the 9/11 attacks, the government believed their actions towards Uighurs were necessary in order to fight the Global War on Terrorism and the 'three evils'; terrorism, separatism and religious extremism.[5] The main turning point is believed to have been the brutal Kunming terrorist attack of 2014.[6] The Uighurs had always encountered intense prejudice and discrimination throughout China, however, what they faced post Kunming was far worse.[7] The government believed it needed to take drastic measures to control and indoctrinate the Muslim group.

Rumours of detention camps first began to emerge in 2017. Although there was no evidence, suspicions of mass detention grew as In March of the same year, China ratified 'Regulations on De-extremification' which turned Xinjiang

Footnotes

[1] The Associated Press, 'Secret documents reveal how China mass detention camps work' (abc news, 25 November 2019) <<https://abcnews.go.com/US/wireStory/secret-documents-reveal-china-mass-detention-camps-work-67271462>> accessed 17 January 2020.

[2] *ibid.*

[3] Lindsay Maizland, 'China's Repression of Uighurs in Xinjiang' (Council on Foreign Relations, 25 November 2019) <<https://www.cfr.org/backgrounder/chinas-repression-uighurs-xinjiang>> accessed 17 January 2020.

[4] *ibid.*

[5] *ibid.*

[6] 'Xinjiang's Descent Into Darkness' (Foreign Policy, 30 December 2019) <<https://foreignpolicy.com/2019/12/30/xinjiang-crackdown-uighur-2019-what-happened/>> accessed 17 January 2020.

[7] *ibid.*

into a state of surveillance. Under this bill, any public or private expressions of Islam or Uighur culture are considered extremist and, therefore, usually lead to detention. Travelling abroad, contacting people outside of China and use of encrypted messaging apps such as Whatsapp are also forbidden.[8] Another reason for detention is disobedience to the Communist Party, no matter how small the offence. Many Muslims are accused by authorities of crimes they did not commit because it is an easy way for the government to detain them. Once sent to the re-education camps, detainees are subject to brainwashing, torture and punishment.[9] China continues to deny all of this whilst reinforcing their claim that the camps are ethical and strictly for the purposes of anti-terrorism, education and rehabilitation for citizens guilty of minor offences. In November 2019, The New York Times published leaked documents from the Chinese Communist Party that exposed some of the true horrors of the camps. Over 400 pages described prisons of no mercy where detainees are monitored 24/7, forced to denounce Islam, learn Mandarin, follow Chinese communist ideals and repent from the crimes of their past. Any disobedience results in strict punishments, often physically or psychologically torturous.[10] Amnesty International shared the story of Kairat Samarkan, a former detainee. He describes being hooded, wearing shackles on his arms and legs and having to stand in the same position for 12 hours. Every day he was forced to chant 'Long Live Xi Jinping', sing political songs and learn about the Chinese Communist Party. Samarkan saw detainees punished with verbal abuse, food deprivation, solitary confinement and beatings.[11] The camps were so horrific that shortly before his release, Samarkan attempted suicide.

The purpose of the re-education camps is to erase Uighur and other Turkic Muslims' identities by stripping away their culture and religion. This is known as cultural genocide which is a clear crime against humanity, and is achieved through severe human rights violations. Gay McDougall, the vice chair of the UN Committee on the Elimination of Racial Discrimination, labelled Xinjiang as a 'no-rights zone'. [12] China's obligations under international human rights law are not straightforward, which is largely due to its refusal to ratify the International Covenant on Civil and Political Rights (ICCPR)[13]. This treaty protects many fundamental freedoms, such as speech and religion. Signed over 20 years ago, China has repeatedly undermined the rights within it.[14] For example, other than the camps, China imprisoned political activist Liu Xiaobo, deprived his wife of freedom of movement, unlawfully convicted large numbers of lawyers and is increasingly giving the Communist Party the power to deny judicial processes to convicted citizens.[15] Other countries have also had large time periods between signing and ratifying the ICCPR - the US took 15 years - but none committed acts during that period which went against the entire purpose of the treaty.[16]

The ICCPR protects four rights relevant to this article; the right to a fair trial, the right to privacy, the right to freedom of religion and freedom from torture. Since this treaty is not yet ratified, it is not legally binding. However, as a signatory, China should act in good faith and respect the rights within it.

The right to a fair trial, protected under articles 14 and 16 of the ICCPR, is undermined as detainees are not even allowed a trial or any access to legal help. Outside of the camps, the state of Xinjiang is full of security and surveillance cameras to help the government monitor every aspect of their Muslim population. Xinjiang is often described as a 'surveillance state' as the Chinese government use spies, police, CCTV cameras, DNA sampling and many other advanced technologies to access even the residents' online activity in order to identify any unwanted behaviour.[17] This challenges article 17 of the ICCPR, the right to privacy. Perhaps the most obvious issue is the right to freedom of religion. Being Muslim in Xinjiang seems to be completely forbidden as any expression of Islam is met with dire consequences. This right is very strictly protected by article 18 of the ICCPR and also mentioned in article 5 (d)(vii) of the International Convention on the Elimination of All Forms of Racial Discrimination[18] (CERD), which China is actually bound by, and is therefore in breach of. Lastly, if detainees disobey or do not show enough

Footnotes

[8] 'Up to One Million Detained in China's Mass "Re-Education" Drive' (Amnesty International) < <https://www.amnesty.org/en/latest/news/2018/09/china-up-to-one-million-detained/> > accessed 17 January 2020.

[9] *ibid.*

[10] Austin Ramzy and Chris Buckley, "Absolutely No Mercy": Leaked Filed Expose How China Organized Mass Detentions of Muslims' (The New York Times, 16 November 2019) < <https://www.nytimes.com/interactive/2019/11/16/world/asia/china-xinjiang-documents.html> > accessed 17 January 2020.

[11] *ibid.* (n 6).

[12] Nick Cumming-Bruce, 'U.N. Panel Confronts China Over Reports That It Holds a Million Uighurs in Camps' (The New York Times, 10 August 2019) < <https://www.nytimes.com/2018/08/10/world/asia/china-xinjiang-un-uighurs.html> > accessed 17 January 2020.

[13] International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR).

[14] Margaret K. Lewis, 'China must stop making a mockery of the rights treaties it signs' (The Washington Post, 30 October 2018) < <https://www.washingtonpost.com/news/global-opinions/wp/2018/10/30/china-must-stop-making-a-mockery-of-the-rights-treaties-it-signs/> > accessed 12 February 2020.

[15] *ibid.*

[16] *ibid.*

[17] Jacky Habib, 'In Xinjiang, China, Surveillance Technology is Used to Help the State Control its Citizens' (The Passionate Eye, 2 November 2019) < https://www.cbc.ca/passionateeye/m_features/in-xinjiang-china-surveillance-technology-is-used-to-help-the-state-control > accessed 12 February 2020.

[18] International Convention on the Elimination of All Forms of Racial Discrimination (adopted 21 December 1965, entered into force 4 January 1969) 660 UNTS 195 (CERD).

progress, they are punished with physical or psychological torture. This undermines article 7 of the ICCPR which protects citizens from torture or cruel punishment, but more importantly, grossly breaches the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment^[19] (CAT), another treaty which China is bound by.

Other than national laws, these four rights are also protected under the Universal Declaration of Human Rights^[20] (UDHR) but this is again, not legally binding. China is clearly breaching some of its international human rights obligations and disrespecting other fundamental human rights. Just because the ICCPR and UDHR are not legally binding, does not mean they should be disregarded. It is likely that China is interfering with many more rights than the ones listed above. So how has the UN not interfered yet? Why is there not international outcry?

China's power and global influence plays a large role in the retention of the camps. Beijing pays roughly 10.25 per cent of the UN's peace-keeping budget, helping China to hold one of the highest positions in the UN.^[21] They believe very strongly in national sovereignty and introduced a resolution promoting it, as well as using 'quiet dialogue' and 'cooperation' instead of international investigations.^[22] There have even been reports of Chinese officials harassing and intimidating UN staff. As of yet, China has not allowed UN observers full, uninterrupted access to the camps, therefore making it difficult for them to be held accountable. They have reacted angrily to a joint statement by the UK and 22 other countries condemning the camps, threatening economic, trade and political retaliation.^[23] After this, a group of 54 countries, including Muslim majority nations, came forward to commend China's human rights record.^[24] This was probably due to fears of retaliation.

The world fears China. The more power it gains, the more it will continue to abuse human rights. It may also enable other countries to disregard their human rights obligations. Xinjiang's detention camps deserve urgent international attention and the Uighurs, Kazakhs and many other Muslim minorities in Xinjiang need the UN and the rest of the world to stand up to China.

Footnotes

[19] Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (adopted 10 December 1984, entered into force 26 June 1987) 1465 UNTS 85 (CAT).

[20] Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217 A(III) (UDHR).

[21] Gulnaz Uighur, 'Why is the UN ignoring China's concentration camps and the fate of 2m people?' (Independent, 2 July 2019) <<https://www.independent.co.uk/voices/china-uighur-muslim-detention-camp-unhrc-xi-jinping-a8983971.html>> accessed 18 January 2020.

[22] *ibid.*

[23] Zahira Rahim, 'UK joins 22 other UN nations in condemning China's detention of Uighur Muslims' (Independent, 30 October 2019) <<https://www.independent.co.uk/news/world/asia/uighur-muslim-china-xinjiang-united-nations-human-rights-uk-religious-freedom-a9177191.html>> accessed 18 January 2020.

[24] *ibid.*



A commentary on...

Accountability in the Criminal Justice System

with Dr Nick Hardwick

This segment aims to shed light on particular issues within the fields of law and criminology through the work, research and views of academics within the School. The *Magna Carta* sat down with Nick Hardwick to get his perspective on accountability within the criminal justice system.

Chief Executive, Centrepoint (1986-1995)

Chief Executive, British Refugee Council (1995-2003)

Executive Chair, Independent Police Complaints Commission (2003-2010)

Chief Inspector of Prisons (2010-2016)

Chair of the Parole Board for England and Wales (2016-2018)

Professor of Criminal Justice, Royal Holloway (present)

Nick Hardwick came to the College with a broad range of experience from roles in both the charitable and public sectors. His research focuses around accountability mechanisms, particularly within the police and prison system, which is informed by his extensive experience. Nick shared his views with the *Magna Carta* on the issues affecting the criminal justice system today, why they are important, and how we should shape our thinking to tackle them.

Nick considers accountability mechanisms within the criminal justice system to be crucial and much of his work has been aimed towards improving them, particularly in his roles with the Independent Police Complaints Commission, as Chief Inspector of Prisons, and as the Chair of the Parole Board. He explained that it is important to understand what "accountability" involves for two reasons. Firstly, having to account for one's behaviour is often misunderstood as indicating guilt. Accountability mainly means you must explain your behaviour or a certain course of action which you chose to take. While you may well be guilty of something, it does not follow from being held accountable that you are guilty. Secondly, misunderstanding the meaning of accountability leads to a 'blame culture' which deters people from working in the criminal justice system or social policy. Nick illustrated this problem by distinguishing between

those students who may go into, for example, a role with the National Probation Service, providing direct services and those who will go into law or journalism and may regulate or write about those services. The former may need to make important, life-changing decisions, such as if they worked for the Parole Board and were deciding which prisoners to release from prison on an everyday basis. He highlighted that these people may make the wrong decision at times, and they will be held accountable for that, particularly if their decision has serious consequences. In contrast, part of the job of the latter group may be to criticise those decisions. While accountability here is needed, he urges both groups to be less judgmental of each other. He emphasised that an important distinction must be made between those who neglect their responsibilities or abuse their powers and who should be punished compared to those who get up in the morning to help people and make a mistake; they are not one and the same. Encouraging a culture where people are punished for mistakes deters people from entering roles in the criminal justice sector, as seen, for example, in the current shortage of social workers. While accountability is necessary, its meaning should be understood properly to avoid an unnecessary blame culture which may further damage a system that is already suffering.

To further demonstrate the negative effects of this blame culture, Nick drew on his experience with the Parole Board and the difficulties in deciding to release a prisoner. There is a strong case that, clearly, prisoners should not be allowed out until it is safe to do so; however, Nick explained that it can never be said with certainty that a prisoner will not reoffend. Although statistical evidence and reasoned judgment can be used to conclude that it is unlikely that someone in certain circumstances will not reoffend, Nick reiterates there are no guarantees. He argues that it is not the case that the criminal justice system is "going soft," for which it is often criticised when a prisoner is released by the Parole Board and goes on to reoffend. In fact, prisons are currently over-populated as people are sent to prison with longer sentences meaning "the system is not soft, it's getting harder." However, he pointed out that giving harsher sentences and pumping funds into more police on one end of the system can be detrimental as "the criminal justice system is a pipeline." This means that unless the government increases the capacity of the rest of the system to cope with greater inflow of prisoners it will burst. In his view, it is important for all people to be aware of what is happening in the hidden parts of the criminal justice system to ensure that the CPS, courts, legal aid, probation services, and prisons are properly resourced. Otherwise, Nick believes these issues will come back to haunt us.

While there are a number of issues within the criminal justice system, Nick considered establishing the Independent Police Complaints Commission (IPCC) as particularly significant in improving accountability. Due to the disbelief in a non-police organisation having the ability to effectively investigate the police, many thought that the IPCC would only last a year. However, Nick explained that the IPCC demonstrated that there is, in fact, an alternative to the police investigating themselves, and thus the IPCC was successful. Despite criticisms of the inability of its investigations to lead to many convictions, the IPCC's success can be seen in the fact that the number of deaths following contact with the police declined sharply once it was established. Nick highlighted that this shows the very existence of the accountability mechanism changed the behaviour of the police on the frontline, which he proudly described as a 'big deal'. Thus, the value in these mechanisms is clear and this achievement shows the contribution of Nick's work to the criminal justice system.

For Nick, the importance of independent accountability mechanisms lies in the need to ask questions such as "why is it like that and why have you done it that way?" Our conversation with him highlighted why these questions need to be asked, the damage that can result of misunderstanding the meaning of accountability, and the "blame culture" this creates. Nick's insight into the



Photo by Milad Fakurian, Unsplash

criminal justice system is incredibly valuable and the Magna Carta thanks him for sitting down with us.



A commentary on...

Life Imprisonment

with Dr Serena Wright

BSc Criminology & Criminal Justice, University of Portsmouth (2003-2006)

Member of the Independent Monitoring Board, HMP Kingston (voluntary position) (2006-2007)

Healthcare Support Worker, Baytrees Residential Detoxification Unit (2006-2007)

MSc in Criminology, Criminal Justice and Social Research, University of Surrey (2007-2009)

Independent Domestic & Sexual Violence Advocate, Early Intervention Project (2007-2009)

PhD in Criminology, University of Surrey (ESRC-funded scholarship) (2009-2015)

Teaching Fellow, Department of Sociology, University of Surrey (2010-2012)

Research Associate, Prisons Research Centre, Institute of Criminology, University of Cambridge (2012-2016)

Lecturer in Criminology, Royal Holloway, University of London (2016-present)

The Magna Carta sat down with Dr Serena Wright to get her perspective on the impact of long term imprisonment and discuss findings from her newly published co-authored monograph, *Life Imprisonment from Young Adulthood: Adaptation, Identity and Time*.

Alongside her teaching at the College, Dr Serena Wright, Lecturer in Criminology, has dedicated a large portion of her career as an academic to researching the intersection of gender and criminal justice, with a particular focus on women, 'frustrated desistance' and life-sentenced prisoners. She has also worked in practice, most notably within drug and alcohol rehabilitation, domestic abuse and sexual violence support services. Serena shared her views with the Magna Carta on issues affecting those sentenced to life imprisonment and the motivations behind her most recent publication.

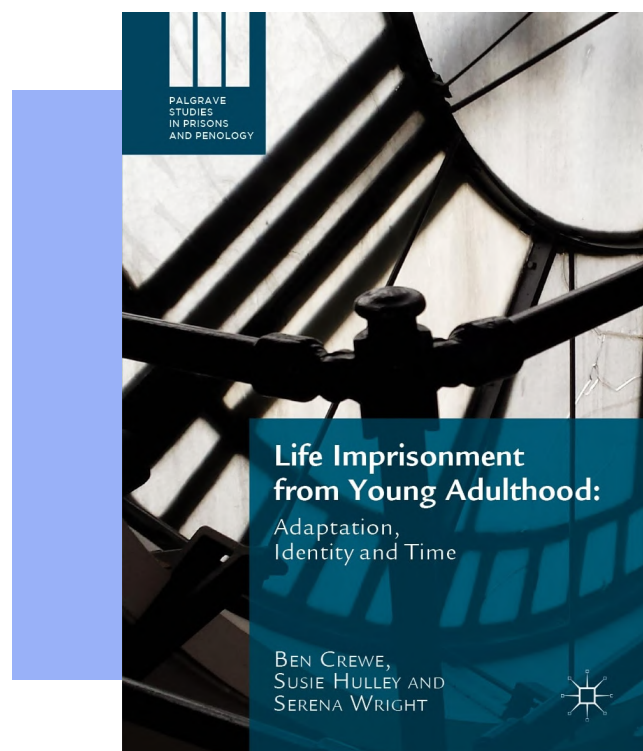
The book is based on research she conducted as a Research Associate, alongside Professor Ben Crewe and Dr Susie Hulley, at the Prisons Research Centre, University of Cambridge between 2012 and 2016. The project stemmed from an application by Prof Crewe and Dr Hulley to the Economic and Social Research Council; they had noticed a growth in long term prison sentences, particularly among young men, and were concerned about the implications of a growing number of young people serving minimum terms often equal to - or even exceeding - the years they had lived, and what the potential consequences are of an increasing prison population who might feel they had little or nothing to lose. Of specific relevance were questions surrounding issues of compliance with the prison regime and individual

concepts of identity and personhood in adjusting to a life of imprisonment, and how life imprisonment 'felt' at its various stages. Serena notes that in the long term, one had to ask what this meant for rehabilitation and tendencies of violence towards fellow prisoners and staff. The research conducted while writing this was based on a cross-sectional design looking at a snapshot of the prisoners at a certain time of their lives; this involved in-depth interviews (on average, between two to three hours, but sometimes as long as six hours) with 147 'lifers' (126 men and 21 women), and 313 surveys on the problems of long-term imprisonment (294 men and 19 women) across 25 different prisons in England.

To best describe the mentality of those with extensive sentences, she drew on a quote used towards the end of the book by a female interviewee: "there is no choice but to just cope". There is a mental and physical strain on the lives of such people. Coming to terms with a confined life for decades requires a lot of introspection. Young men and women are effectively giving up the prospect of sexual intimacy, having or taking care of children and experiencing the freedom of anything life has to offer. It is a sentence that their loved ones also serve alongside them in coping with the after-effects of everything. Most importantly, it draws towards the concern of one's position as well as an initial form of anger; is the life they

live now truly wasted, or over? As Serena and her colleagues have written elsewhere, the sentiment reflected by individuals in terms of the need to adjust was that it was inevitable; you either “sink or swim”. Over the course of servitude, matters of time, identity and personhood are brought into sharp relief as men and women have little choice but to accept the circumstances brought upon them. She did note that although many were embittered by their convictions, and continued to feel a searing sense of injustice, most were eventually able to separate their feelings of illegitimacy about their conviction and sentence from their orientation towards the prison authorities, and over time, many came to acknowledge and feel remorse for the pain they had caused others, and realise that theirs was not the only freedom that had been lost.

Serena reflected that she had not always held such attitudes or understanding towards crime and punishment; indeed, while she was proud of her ‘working-class’ background, she had grown up with uncritical attitudes towards crime which were primarily punitive; however, as she progressed towards university and embarked upon her undergraduate degree at the University of Portsmouth, she was exposed to a more liberalistic outlook on life. She described this broadening of her critical horizons as one of the most important aspects of the higher education experience, but also highlighted the important life lessons to be learned from work experience within the criminal justice field. However, Serena spoke candidly about the ways in which life outside of work impacts on the research experience, noting her belief that it is important for academics to be honest about the challenges of research in this field, and to act as a role model for the fallibility of even the most experienced academic. By way of example, she told *The Magna Carta* that when she started the research post at Cambridge, a key concern she had related to her capability – and willingness – to interview men convicted of the murder of their partner, as she felt this to be a direct contradiction to her previous work as a domestic and sexual violence advocate for women. At first, she was unsure whether she would be able to humanise such individuals, given how much she had seen of the other side; for example, how would one respond to the plight of a man who just murdered his girlfriend? However, when that very notion presented itself in the form of the eleventh interviewee, Serena reflected on being taken aback by the depth of sorrow, regret and sadness showed by the individual. It was, she said, an important reminder that we all need sometimes, in terms of underscoring the importance of truly considering the circumstances by which individuals came to be in such positions; passing judgement based on crime without doing so was not fair to them.



When asked what she would say to students wanting to to pursue similar forms of research in this field, Serena notes that anyone wanting to come into academia does it because they are curious, and that it is this curiosity about life that drives successful research. In order to conduct research, however, one must gain access, which can be difficult within various fields of criminal justice (most notably prisons and the courts, and historically the police). This underlines the importance of networking; a key skill that undergraduate students should practice during their degree at every opportunity, as building contacts with people who can write letters of support and provide recommendations can make a huge difference going into a research-intensive job or master’s degree. For a student to truly elevate their understanding and quality of work, they need to engage in transformative learning; which requires putting oneself in situations with the very subjects being analysed by conceptualising their feelings and viewpoint on life. This, Serena noted, is a core aim of the Department’s flagship Learning Together courses, which bring together students from higher education institutions and criminal justice settings to learn alongside each other. However, she was clear that ‘transformative’ learning is not simply about engaging with those in prison; the same transformative experience can be gained from spending time with any group of people outside of one’s usual social network, with a view to understanding more about that group. While this can be transformative for university students, however, Serena cautioned that contact with such individuals must be undertaken with the correct ethos, in a manner that is: mutually respectful (i.e. not simply prison or ‘ghetto tourism’); not based on a ‘smash and grab experience’ mentality (i.e. long-term and embedded); and in a way that benefits all parties equally (albeit in different ways).

On a closing note, a large reason Serena does this form of research stems from her desire to develop a deeper understanding into social 'others' - especially those who society might rather see locked up indefinitely, and the key thrown away - and to create meaningful social bonds and break down social barriers. Her insight into the criminal justice system and consequences of long-term imprisonment are incredibly valuable and the Magna Carta thanks her for sitting down with us.

**Crewe, Hulley and Wright, Life Imprisonment from Young Adulthood (Palgrave Macmillan 2020) will be available as an e-book and hard copy from the College Library this term.*

A commentary on...

Drug Markets

with Dr Leah Moyle



The Magna Carta sat down with Leah Moyle to unpack her research on drug markets and get perspective on the misconceptions society holds surrounding drug use and supply.

BSc Criminology and Sociology, Cardiff University (2007).

MSc Criminology and Criminal Justice, Plymouth University (2009).

PhD Sociology, Plymouth University (2010-2013) which explored the conceptualisation and punishment of low level, 'non-commercial' forms of drug supply.

Lecturer in Criminology and Sociology, Royal Holloway (present).

Leah has developed her perspectives on the criminal justice system by undertaking research projects that involve working with people from various backgrounds. Her work investigates issues relating to drug markets and society's misconception of these markets, as well as a comparison of how the UK deals with these issues compared to Australia.

Leah enjoys critical research that can lead to policy changes at national or local levels. She focused a large part of her PhD on analysing the way in which user-dealers of heroin and crack cocaine are policed and sentenced. After conducting hundreds of interviews and spending a lot of time with this group, she realised that they were being treated in a hugely disproportionate and illogical way. Over the past few years she has concentrated her research on highlighting the specific social context of this group who tend to be unemployed, marginalised, often victims of trauma and who see low-level drug supply as the least harmful way to support their drug habit - a very different reality to the common-sense understanding of the predatory heroin dealer our society makes it out to be.

Drawing on her research background on drugs, she believes that the biggest issue facing the criminal justice system today is our current prohibitionist approach. In her

view, the war on drugs has been a failure. She explains that we are seeing increased harms to people who use drugs through the rise of new forms of psychoactive substances, more potent versions of traditional substances and the emergence of new drug markets providing easier access to drugs than ever before. Having worked with people who suffer from drug addictions and are trapped in a cycle of chaotic use and imprisonment, it has become clear to Leah that there obviously needs to be a response to the acquisitive crimes these people may commit. Yet, responding with imprisonment can be inappropriate as prisons ultimately cost the taxpayer a huge amount of money and the resources to undertake the complex work needed to address their drug dependency are lacking. Instead, Leah suggests investments should be made in safe injecting services and drug testing along with the decriminalisation of drugs as a way forward to save lives.

Leah explained that society tends to hold onto misconceptions such as stereotypical assumptions as to who and what a drug dealer is. She argues that these have a detrimental effect on policy, sentencing and punishment internationally. A lack of recognition of the various 'levels' of supply (a social low-level supply of drugs to friends or acquaintances for little or no profit compared to user-dealers who supply to fund their addiction) and the framing of drug dealing as a

homogenous category has resulted in a trend toward deterrent and disproportionate sentencing practices. Leah believes that creating separate offences for low level-supply activity could protect against harms such as mandatory minimum sentences for crack cocaine supply offences in the US or the imprisonment of young people (including students) in the UK for social supply offences. The separate offences would limit the severity of punishment and offer opportunities for diversion.

Having spent time researching in Australia, Leah concluded that Australia has many of the problems that the UK does in terms of how they respond to drug use. She was particularly interested to witness Australia's approach to methamphetamine or 'ice'. This drug is far less popular in the UK and has become problematised in the Australian context as an instantly addictive, psychosis promoting substance which is considered as harmful as heroin. Interestingly, research evidence has demonstrated the ways in which this substance can be used in a relatively controlled way. Leah was particularly drawn by the power of the media and government in framing this discourse. However, despite this problematic discourse, she highlighted some progressive policy initiatives such as the decriminalisation of cannabis possession in a few states. There is also 'de facto' decriminalisation for substances beyond cannabis in other states, but unfortunately their effectiveness has been stymied by some fairly strict eligibility requirements. Leah's insight into the UK and Australian context demonstrates that misconceptions surrounding drug use are prevalent in other countries and sheds lights on the different approaches taken globally.

Leah is passionate about social justice and her work is specifically aimed at changing stereotypical assumptions and advancing more rational sentences and solutions. Researchers play a key role in tackling these prejudices to create a fair system involving justified sentencing practices and offences based on data, rather than misconceptions.



Photo by Vincius Amano, Unsplash

Update: Royal Holloway Law Society

I am Oliver Snelgrove and currently the VP of Activities for the Law Society. Hopefully, everyone is now fully settled into the year and I am sure everyone is well into the stage of applying for work experience. I thought this would be an appropriate time to outline the progress of the activities conducted by the Law Society over the last term. It has been a busy year, but we could not be happier with the level of engagement from our members.



2019 Christmas Dinner

Client Interviewing - So far this year, we have run internal training and also hosted the Surrey Regional Competition in which we placed first! For those interested, we will be running final training sessions and the internal competition this term as well as entering the national competition, so keep an eye out for that!

Negotiation - During term 1, we conducted our internal training and competition which has seen us select two teams to represent us in the National Student Negotiation Competition this year! In February we competed at regional stage where our students were successful in securing a place in the final round. This will commence in March and we could not be any more prouder!



Internal Negotiation Competition Winners



Surrey Regional Client Interviewing Competition Winners

Mooting - Alongside training in first term, we also ran the first speed mooting competition and entered the OUP/ICCA external moot as well as the Inner Temple Varsity moot. The internal mooting competition is now underway and will conclude at the end of this term. We also entered the ESU - Essex Court national moot with our team currently through to the third round!

Mock Court - We are running our mock court timetable this term, the final of which will be a full mock court, in which students who are not competing can be involved by playing the part of witnesses, court staff or the jury! Look out for further information on this soon!

We look forward to seeing everyone at our next big event which is the **Prima Facie Law Ball**, taking place on the **20th of March @ The Runnymede on Thames Hotel**. A black tie event, it will feature a DJ as well as our very own Law Awards. If you do not have a ticket but would still like to attend, please liaise with our team as soon as possible.

PRIMA FACIE LAW BALL

SAVE THE DATE | 20TH MARCH 2020

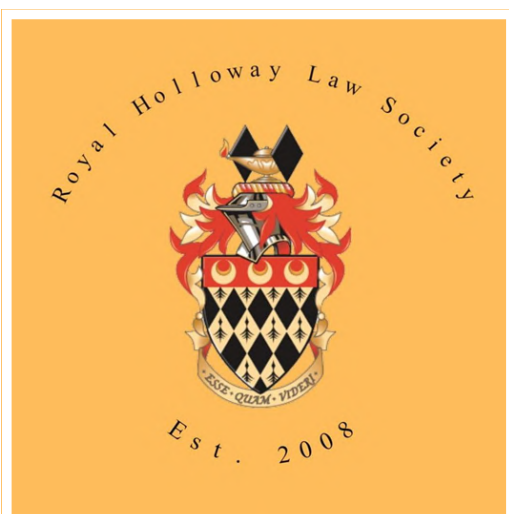
SOCIAL MEDIA:

Facebook: <https://www.facebook.com/RHUL.LawSociety/>

Instagram: @law.rhul

Linkedin: <https://www.linkedin.com/company/rhul-law-society/>

Email: lawsociety@su.rhul.ac.uk



President Charles Brook | **Vice President** Muhammad Aftab | **VP of Activities** Oliver Snelgrove

Mooting Officer Yasmin Ilhan | **Negotiations Officer** Jessica Pen | **Mock Court Officer** Harry Applegate

Client Interviewing Officer Olivia Smith | **Social Secretary** Rachel Denny | **Second Year Representative** George Wright

Finance Director Sophie Malby | **Secretary** Henn Warwick | **Fundraising Officer** Do-Kyoung Heo

Update: Commercial Awareness Society

When CAS was formed in spring 2019, its founders had one goal in mind – to educate students. Commercial awareness is a vital tool with several employers considering it a prerequisite for prospective candidates to possess. Many students misunderstand it to mean merely following the news. However, being commercially aware is more than this. CAS was created to teach students about what it meant to be commercially aware, and how to take a targeted approach to such a broad matter.

With this in mind, CAS operated to fulfil an educational role last term. Our Facebook Page proved highly advantageous in pursuit of this. It provided an outreach platform so students could have their questions answered in a relatively short space of time. Several students sent us questions. These included what the purpose of commercial awareness was, how to go about obtaining it and how to show it in applications and interviews. Additionally, students were positive about how efficient the Facebook Page was. With busy timetables and coursework deadlines, students valued the flexibility and individuality it provided. Students could ask questions when it was convenient for them. Being able to respond individually meant that our advice was meaningful and tailored to the needs of the student. We found this to be highly beneficial and expect its success to continue in Spring term as vacation scheme, training contract and graduate scheme deadlines arise. If you'd like to send us questions, you can find our page here: <https://www.facebook.com/RHULcommercialawareness/>

As well as being received positively by students, CAS gathered interest from industry professionals. After establishing a presence on LinkedIn, we were struck by how interested lawyers, stockbrokers and various companies were in what we were doing. One particular stockbroker was so interested that he expressed interest in collaborating on an event at Royal Holloway. We are hopeful that CAS will continue building meaningful connections in the future. If you'd like to follow our activity on LinkedIn, you can find our page here: <https://www.linkedin.com/company/rhul-commercial-awareness-society/>

Our plans for Spring term include organising an event for law and business students that will explore the issue of targeting commercial awareness to the companies you apply to. Knowing what currently affects the commercial world is one thing but explaining how things affect particular companies is where the real skill lies. We hope to educate students about how to deploy their commercial awareness in an interview setting. Keep an eye out for our Facebook Page for more details on this. We expect it to take place after reading week.

We are incredibly thankful for the interest we have received and hope to continue providing value where we can. Have a lovely term!



SOCIAL MEDIA:

Facebook:

<https://www.facebook.com/RHULcommercialawareness/>

Email: rhul.cas@gmail.com

LinkedIn: <https://www.linkedin.com/company/rhul-commercial-awareness-society/>

President Ali Chaudhry | **Treasurer** Issy Lumsden | **Secretary** Lauren Moss

Work Experience



Charles Brook
(3rd Year, LLB Law)
Summer Intern

During the summer of 2019, I spent two months working as an intern at the Centre for Effective Dispute Resolution. Known widely as CEDR, this organisation specialises in the practice and promotion of Alternative Dispute Resolution and works alongside a huge variety of law firms and businesses to further their mission. Over the last 30 years, the organisation has worked towards this goal in many ways. They provide negotiation and mediation training, refer mediators to resolve disputes, work with consumers to resolve complaints with companies, and promote charitable initiatives to spread the use of Alternative Dispute Resolution (ADR). As a student, you're most likely to have heard of them through the National Student Negotiation Competition, which they run in order to provide students with the opportunity to develop their skills in a practical environment.

It was through the National Negotiation Competition that I first started working with CEDR. After competing in 2018 and 2019, I maintained contact with those in the CEDR Foundation, the department dedicated to charitable initiatives designed to promote ADR. I made it known that I was looking for work experience, and so when an internship role opened up, I was contacted and given the opportunity to interview. I did this, and was delighted to hear that I'd been successful, securing myself a two-month, paid internship throughout June and July.

Whilst at CEDR, I served as the Foundation Intern, working alongside the Foundation team to deliver events and projects designed to promote ADR and its related skills. My primary role revolved around CEDR's "New Dialogues" event, a conflict management training programme that takes place every year to provide young people with the skills needed to deal with conflict in all aspects of their life. I was responsible for advertising the event and then reviewing applications, to select the 50 people that would be attending the event. Alongside this, I reviewed potential charities that could also benefit from this programme, with a view to arranging a more targeted, in-house version of the event. The work done on these New Dialogues programmes was quite unlike anything I'd encountered in my studies, providing me with brilliant experience of the real life workings of business.

Given my interest in law, my managers at CEDR were eager to help me gain as much law-related experience as possible. CEDR works closely with several law firms, and due to this I was able to attend meetings with these lawyers and gain valuable insight into their dispute resolution practices. As well as this, I learnt a great deal about ADR itself, being given the opportunity to attend a genuine mediation and see the dispute unfold in practice. I've continued working with CEDR on a few events, such as acting as a trainer, and attend plenty of their master classes on ADR in practice. Overall, working at CEDR has not only provided me with fantastic experience, but also opened up a huge range of opportunities that I would never have imagined before.



**Freshfields
Bruckhaus
Deringer**

Harneet Vrik
(3rd Year, LLB Law)
Work Insight Intern

With the help of Jill Marshall, our university was able to take part in a week-long Freshfields Bruckhaus Deringer work experience scheme. Following an internal online application and interview, I, along with six others, secured a place to join students from the University of Leeds for the London-based work experience in September 2019.

Neil Golding, a senior partner in disputes, litigation and arbitration headed the scheme and commenced the week with a welcome talk, assigned us with trainee partner guides and offices to work in. During the week we had various tasks, talks and opportunities to network; between which we spent time on individual tasks in our designated offices. I shared my office with Gina Bicknell, counsel for Corporate and M&A, and Ammina Rao, an associate for Disputes, Litigation and Arbitration. When an opportunity comes to work alongside professionals in a field you are interested in, I think it is vital to make the most of it. The students who interacted with their colleagues and

took time to understand their work found the experience even more engaging, as they were able to help on tasks and actually get involved in the cases at hand. When considering that these were cases being handled by a Magic Circle firm, it came to light how great an opportunity it really was.

Throughout the week we joined the Leeds students in tackling a mock case on bribery allegations. Each day we had a different part to work on, for example, understanding the brief and case facts, interviewing key characters in the case and presenting our findings. This was useful in developing our analysis and team-work skills, and it was also genuinely fun to figure out.

We also had various networking opportunities. At the start of the week we were paired with a trainee associate who showed us around the department and was available to email throughout the week. I caught up with mine a few times for lunch and coffee to ask questions and better understand both the firm and the life of a trainee. Speaking to my partner and other students' designated trainees was possibly the most helpful part of the scheme. This is because they gave an honest insight into their experience at the firm and into the field of law generally. It was a pleasant surprise to see that the trainees were not stereotypical first-class graduates from Oxford or Cambridge, as it made the idea of working for such a firm more attainable. It was also refreshing to speak to people from varied socio-economic and ethnic backgrounds who were willing to share their unique experiences. Being warmly welcomed by all members of staff and being included in their staff event made this experience very real.

For me, this experience gave me a better understanding of the differing demands across practice areas, which in turn helped me to narrow down my potential career path based on what I feel my skill set is most suited to. It was both enjoyable and informative.

A day at the Supreme Court with The Right Hon Lord Reed

Prannav Sivadas, 3rd Year - Law LLB



Court Room 2, Photos courtesy of Royal Holloway

On November 6th of last year, I was fortunate enough to be included in a small group of second and third year students from the Department of Law and Criminology for a tour of the Supreme Court and a question and answer session with Lord Reed.

Our tour took us through a number of rooms in the historic building that had once housed Middlesex Guildhall. We engaged in a short debate on the merits of significant cases, including *Asher v Lee* and *R v Jogee*, before a fantastic LinkedIn photo opportunity in Court 2. A special thanks must be reserved to our guide Simon Jolliffe who enlightened us on the inner workings of the Court and answered all of our questions with sharp wit and an almost encyclopaedic knowledge of the Court's rulings. Following this, we found our way to the Supreme Court's museum which contained a comprehensive history of the Court detailing how it has developed and several artefacts from over the years.

Then came the main event- we had been granted an audience with Lord Reed who was kind enough to see us during his break between the Court's morning and afternoon sessions.



Beginning with his journey as a law student to his role as Deputy President of the Supreme Court (President as of 11th January 2020), Lord Reed took us through his career and the obstacles he faced during his time practicing law. Kindly answering questions on how he handles public scrutiny and how the court strikes the right balance in its rulings so as not to overrule Parliamentary sovereignty, we began to see that it was not easy to get to where he is and that it is often a thankless task being a Supreme Court justice. Also spoken of was the issue of whether a larger panel of justices is needed to sit in cases that mark a departure from established law and an amusing tale of the biggest courtroom blunder he had seen in his time as a judge. We all left with a greater appreciation of what it is like to have to adjudicate in difficult cases concerning critical issues.

I think for many, or at least myself certainly, the shock came at how relatable the account of his time in law school was to us, being in that position currently. After the meeting I could not hide my surprise that Supreme Court judges were not in fact omniscient gatekeepers of the law that had answers to any and all questions, but actually scholars, not unlike ourselves, that

still find room to learn.

As it happens, this was the first day of hearings for *WM Morrisons Supermarket plc v Various Claimants*, the case regarding the data breach claim that saw over 9000 of the company's employees payroll data and personal information dumped online by a former auditor. Following our meeting with Lord Reed, we were able to watch the Court in its afternoon session as highly regarded barrister and life peer Lord Pannick QC presented some of his argument acting on behalf of Morrisons Supermarket. I think this memory will also stay with us for the foreseeable future as we saw the level of preparation and polish it takes to act as an advocate at the highest level.

I would like to end by extending thanks on behalf of all my fellow students to both Lord Reed for giving us his time and the accommodating and informative staff of the Supreme Court. A huge thank you also to Dr David Yuratich for arranging the opportunity, as well as Dr Aislinn O'Connell for accompanying us on the day.

International Chamber of Commerce Mediation Competition Paris

Oliver Snelgrove, 3rd Year - Law LLB



Photos courtesy of Oliver Snelgrove

In February, Charles Brook and I, took part in the International Chamber of Commerce Mediation Competition in Paris. The competition welcomed 66 teams with between 2 and 4 members competing in mediation scenarios, similar to negotiation, just with the addition that you have a mediator in the room. This was Royal Holloway's first time entering a competition such as this so it was a great learning experience for us to expose ourselves to. It was a daunting prospect between learning how to best interact with a mediator and distinguishing between the roles of client and counsel. From each round we were lucky to receive incredibly useful feedback on how to act as a lawyer to pursue our clients best interests in a mediation. In addition to that there was the international cross-cultural aspect which meant we had to adapt and manage relationships in a completely different way.

The competition took the format of 4 preliminary scenarios before going into a knockout competition. We were surprised but overjoyed to hear we had passed through the preliminary stage into the knockout stage as it was a fiercely competitive set of schools this year! We were the only team there without a coach and ended up reaching up the quarter finals before being knocked out by the German side of Bucerius Law school who went on to reach the finals!

Although we had many sleepless nights after proceeding through the rounds and having to prepare in a few hours for the next problem, this was well compensated by the black tie dinners, and social outings. We were able meet and compete with people from all over the world including, California, Belarus, Mumbai, New York, Oslo, Germany, and Melbourne. Additionally there were great networking instances with some of the top professionals in the area of mediation and we drew from their experiences and expertise to develop our skills which I am sure we will cherish throughout our careers!

CAMPUS OPINION

Q: "Everyone should have a platform for free speech, regardless of their view"

A person is a person, no matter their age; sex (the gender they were born into); perceived gender; sexual orientation; political (and philosophical) views; religious views; socioeconomic status (SES); cultural views; and upbringing. We need to appreciate that every person will have a unique outlook on society and morality due to these parts of identity. Hate speech is public speech that expresses hate or encourages violence towards a person or people based on their parts of identity I listed above. The principle of 'freedom of speech' is that you can talk about your own opinion without fear of retaliation, censorship or being arrested. But limits people to not to defame others; to lie; be blasphemous; use obscenities, and encourage others to do illegal things - in order to prevent harm to others.

Everyone should have freedom of speech, have the ability to voice their opinions and concerns. Individuals have differing upbringings, beliefs and perspectives therefore it is only natural and inevitable that there will be a spectrum of free speech around the world. However, even though everyone should have a platform to express themselves, it is important to have a limit thus a guideline of how this platform can be used especially with the world revolving around the use of social media which ultimately gives everyone a platform to express themselves. The most important aspect alongside the right to practice free speech is to do it with respect and regards to other people. Therefore, yes everyone should be entitled to a platform for free speech and no one should be restricted to this, however, this platform should be regulated and controlled for safety and respect towards others.

Free speech is a contentious issue in a world in which what we say is being monitored, both online and in the real world. I believe free speech belongs to everyone but care must be taken in its use. It is a qualified right for good reason. The incitement of violence and hatred can damage a person's physical or mental health. At that point their rights have been infringed upon. Whilst it is necessary to hear differing opinions, some of which may be controversial or uncomfortable, the line has to be drawn at the point harm is done to others.

What do
you think?

DR. JANE MARRIOTT

DEPUTY HEAD OF DEPARTMENT FOR LAW AND CRIMINOLOGY



What courses do you teach?

I teach public law to first years, tort to second years and jurisprudence to the third years, alongside supervising PhDs and dissertations.

What made you choose academia?

That is a tricky question. It's complex. So, I worked in advertising for ten years before I even did my law degree. I was an account planner for a large ad agency. It was called J Walter Thompson. I did my law degree but wasn't really sure what I was going to do. I wanted to practice and I had a place at Bar School but couldn't afford to do it. As luck would have it, the professor who supervised my dissertation offered me some funding to do a PhD. So, it wasn't a purposeful desire to enter academia. But then when you're doing the PhD, you find 'oh actually, this is probably where I'm meant to be'. Over the course of my advertising career I taught people in advertising, so it seemed like the natural thing to do. You either emerge from the PhD and go and do something else you get locked into this.

I haven't had a conventional start but I reached a point in my life where I thought, can I really talk about baked beans and toilet rolls for the rest of my life? I don't think that I can!

What would you say is your favourite aspect of the law?

I think the law's intersection with politics actually. That is what makes me the most interested and excited about it.

Would you care to elaborate on what areas of research you specialise in?

I am working on some things but it's quite an eclectic mix. I'm interested in elder abuse, dementia in prisons and acid violence. Then all the usual kind of public law stuff, so all of this Brexit malarkey going on, that's quite interesting. But I'm also working in the public law thing on handmaids' protests. So you know the Handmaid's Tale?

Well, all around the world women have dressed up like that and they protest, especially at Donald Trump and Supreme Court Justice Brett Kavanaugh. I'm looking at that as a form of symbolic speech and what that dressing up conveys. With all this I am writing papers and bidding for funding.

Would you be interested in students helping you out or ask related questions?

I would be more than happy to answer any questions anybody has about anything. But, yes that would be fine, and if I could find a role for a student who is open to undertaking any work that would be great.

What is something about you that your students don't necessarily know about you?

I'm really into motorbike racing. As a spectator, not a participant obviously.

It was an exiting day on the circuit!



The Moto GP is my favourite thing. I track all the important races, the next one is in Japan on the weekend. Every year I go to probably at least 2, maybe 3 or 4, Moto GPs. I've been to Spain, Austria, Czech Republic and Silverstone. My favourite racer would have to be Valentino Rossi, no questions! As indicated by my VR mug and calendar of all his results.

What tips would you give to someone approaching this course?

Ok, so, I have strong views I think about education not being something that you buy. It has value in itself, so I think that it should be approached as a privilege almost that, you know, you're able to study this. I'd say if you're doing a law degree, you need to become accustomed to the idea that some of it you just won't like, you know as a student you don't love all subjects- there's some that you like and some that you don't. Reading widely is the key to a successful degree, you can't get everything you need simply out of textbooks. You also need resilience if you're doing this degree because it's really heavy. But that it's a fantastic thing to do and it can take you anywhere, it doesn't just have to be into the law. It's like a passport to anything really.

DR. AISLINN O'CONNELL

PROGRAMME LEAD FOR MAJOR/MINOR LAW WITH - CRIM, SOC, POLITICS & IR



What courses do you teach?

Currently I teach contract, tort and company law.

What made you choose academia?

I really liked university. I did a three-year degree and my sisters did four-year degrees; I felt like I needed another year and so I did my masters and I really enjoyed my module in intellectual property law. That led me onto my PhD and once finished I had been in university for so long I didn't know what to do with my life. Hence, my focus in academia is the flexibility provided of both teaching and research. So being able to help students understand and appreciate the law and then also having my freedom to expand my research and knowledge of new and emerging frontiers of the law.

What would you say is your favourite aspect of the law?

I like the flexibility and interpretation of the law. I really like when you get to the end of courses and you look at more critical discourses on things. So, for example, in the tort law course.

which I am the module leader for this year, my favourite classes are critical perspectives on tort law and tort and the Human Rights Act where looking through a different lens at something which you spent an entire year studying can really change your perception of it.

Would you care to elaborate on what areas of research you specialise in?

Sure, I am an intellectual property researcher. My doctorate in publishing is on the impact of the digital shift of copyright for publishers. And then from my doctoral research I've evolved to cover more areas of copyright and digital culture and new culture. So my current research project is about privacy and data protection and using copyright to fight the spread of image based sexual abuse, which is normally called revenge porn and deep fakes. My work on that looks at the existing legal structures which can be used to request that websites remove images from online or

private sexual images. It looks at the systems which are available to be used and why they're not quite good enough in all circumstances. For example, deep fakes specifically are a difficult area because they don't fall under a lot of the existing protection for revenge porn because they're not real, so you can't necessarily take them down under privacy because privacy tends to protect what's true. I also focus on culture and new forms of copy right and I have a recent publication on whether there is copyright in works of illegal street art, like Banksy works which are put up without permission of the property owner and whether the artist can claim copyright in those works.

Would you be interested in students helping you out or ask related questions?

Yeah definitely. I'm always interested in speaking to students and seeing what their ideas are

Competing at BUCS was super fun!



especially because some of my projects, particularly the ones which are focused online- they deal with issues which aren't uniquely but certainly more pervasively visible in younger generations. Sometimes I don't feel that old but then I come into university and I see all these students and I realise I'm ancient.

What is something about you that your students don't necessarily know about you?

I competed nationally in BUCS (British Universities and College Sports) at archery, 3 years ago. When I shot, I was actually part of the University of London team which every Royal Holloway student is entitled to be a part of if they want.

What tips would you give to someone approaching this course?

I think my biggest tip for anybody studying law is talk to the staff, use office hours, use the library, use CEDAS, use all the facilities available to you, ask questions, don't be afraid to look stupid

because if there's any way that we can help we will help, we will help. We will always answer questions if you have questions, and if we can't answer we will try and find out who can answer. I always find it really upsetting when you see a student who comes back at the end of the year with results that they're very unhappy with, and it's because they didn't understand something, but they were too scared or ashamed or afraid to ask.

How do you propose students come forward and ask?

I think it's important to make use of the support that works best for you, so if you're not great with face to face talking send an email. If you feel stupid asking someone, seek a peer guide who might be a friendlier face to talk to. If you don't get on or know your personal tutor, drop into their office hours or if it's really no working talk to the senior tutor and get re assigned because there are so many supports in the university. Once you reach out to that first person that first person will help you reach out to everything you need but we can't help you if we don't know you're struggling, so you have to tell us somehow.

DR. JOHN MORRISON

**PROGRAMME LEAD FOR BSC
CRIMINOLOGY AND
PSYCHOLOGY &
UNDERGRADUATE EDUCATION
LEAD**



What made you choose academia?

When I was doing my masters in forensic psychology I realised that I wanted to have a career that utilised what I had learned in the module on the psychology of terrorism. However, there was no obvious career path at that time to use that knowledge. So I was offered an opportunity to do a PhD with my then masters supervisor when he moved to the University of St. Andrews. I actually thought that this would defer the inevitable decision of what career I should have. Even during the PhD I thought I would work in government. However, I was given opportunities to continue a career in academia, first in the United States and then back in the UK. I have never looked back since. The freedom academia gives you to research a topic you are passionate in, and share that knowledge with enthusiastic students is a great privilege.

What would you say is your favourite aspect of the law?

Well, I am not actually a lawyer and would never profess to be an

expert in law. My academic training is inter-disciplinary in nature. My primary degree was in psychology, my masters in forensic psychology, and my PhD in international relations. However, I am now a senior lecturer in criminology. And it is that inter-disciplinary aspect that is my favourite aspect of my career, and it's actually what attracted me to work at Royal Holloway. For me when you research terrorism, as I do, you need to be able to consider it through a range of disciplinary lenses. So to have the opportunity to work alongside lawyers, sociologists, forensic psychologists and criminologists as I do within the Department of Law and Criminology provides great scope to take that inter-disciplinary focus even further.

Would you care to elaborate on what areas of research you specialise in?

My research focuses on the psychology of terrorism. Within that I look at a range of issues from why

people become involved in terrorism, why people leave terrorist groups, why and how these groups split, and what role the social ecology can and does play on individuals' involvement in terrorism. Within my research I am constantly trying to gain an understanding of the key factors relating to an individual's or a group's decision-making. At the heart of much of this research at the moment is an analysis of the role which trust can and does play in terrorist decision-making. Too often in research of this kind there is a tendency to try and find what is 'different' about terrorist actors. However, if we have an understanding of the role which ordinary psychological factors such as trust also plays then we can make much greater inroads. When I am introducing students to the psychology of terrorism for the first time I always open with a quote from Max Taylor and John Horgan which states that "as useful starting point...is the assumption

Make sure to check out my podcast!

TALKING TERROR

that terrorists are ordinary people to the extent that they are not distinguishable from other 'ordinary' people who make choices in the contexts in which they find themselves." This is the starting point for all of my modules on the psychology of terrorism, but also the starting point for all of my research.

Would you be interested in students helping you out or ask related questions?

I am always delighted to meet with and chat to students about these areas. I am happy to look at opportunities for them to help out with my research. This may relate to my academic research or research for podcast Talking Terror. In this I talk to world leading experts in terrorism and counter-terrorism studies about their own research and experiences, whether within academia, counter-terrorism, policy-making or journalism. Anyone interested in listening to it can find it on the usual platforms iTunes, Spotify, Soundcloud etc... sorry for the shameless plug!

What is something about you that your students don't necessarily know about you?

Well they probably wouldn't know/believe that I used to have long hair down to my shoulders! Although as you can guess that was quite a few years ago now.

What tips would you give to someone approaching this course?

Embrace every opportunity within your degree. You may have started your degree thinking you would go down one specific career path. But leave yourself open to other potential interests as well. You will never have another opportunity like this. When I started my psychology degree I was adamant that I would be a sports psychologist. However, during my dissertation process my undergraduate supervisor knew about my interests in politics and prejudice, so guided me towards the literature in this area. Without the push in that direction during my dissertation, my career and my life, would likely have been very different. And I can never thank him enough for that.

Legal Advice Centre

Term Highlights

The Legal Advice Centre was established in January 2020 by Senior Lecturer, Ms Nicola Antoniou, who is also the Centre's Director/Supervising Solicitor. Below is a brief report from Ms Antoniou:

"As we approach the end of the Legal Advice Centre's three-month pilot phase, we have a lot to be proud of. The Student Volunteers and Advisers have demonstrated commitment, enthusiasm, and professionalism. In our Legal Advice Clinic, our Student Advisers have been assisting real people with real problems. Our services have proved invaluable, and demonstrated to the Student Advisers, the continuing challenges people face where they cannot pay for legal advice and/or are ineligible to receive legal aid.

Our Student Advisers have also attended and assisted our local Citizens Advice, in Addlestone. They have found this experience to be a real eye-opener, which has added to their practical legal experience.



Citizens Advice, Addlestone - Photos courtesy of Nicola Antoniou

Our Volunteers, who are part of the Street Law Clinic, have demonstrated their presentation and research skills by taking part in legal workshops. Our first workshop took place at Strode's college on Careers in Law and our second workshop took place at the Sycamore Trust U.K, where our Student Volunteers provided an overview on Special Educational Needs law. As our Student Volunteers found out during this latter workshop, this is an area of law that is fraught with complexities and our audience shared with us the challenges they face on a daily basis.



Sycamore Trust UK

The Legal Advice Centre has recently collaborated with Five Paper Chambers and the Afghanistan and Central Asian Association, and looks forward to our workshop on Immigration, Business and the law Post-Brexit on 10th March 2020.

Finally, our students are working on their legal information leaflets, ready to be published.

We will be offering summer vacation placements to our students and will commence the next round of recruitment in due course. Furthermore there are new projects and collaborations lined up for next term, so watch our space!

We still have a lot to reflect upon as we continue our journey but it is important to acknowledge that our Student Volunteers and Advisers have made Royal Holloway history, and we are all very proud of them. Thank you to all the students and partner law firms who have dedicated hours of their time to the local community”.

FIND OUT MORE:

<https://www.royalholloway.ac.uk/about-us/more/legal-advice-centre/>

Hosted by Afghanistan and Central Asian Association and Royal Holloway, University of London

IMMIGRATION, BUSINESS AND LAW POST-BREXIT

PRESENTED BY: BARRISTERS AT FIVE PAPER CHAMBERS - JOINT HEADS OF THE BUSINESS IMMIGRATION AND REGULATORY TEAM - MR SATINDER GILL AND MR IAN WRIGHT

10 MARCH 2020 AT 12.00PM

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FELTHAM, TW14 OHS

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or email:
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Suggested donation: £5 per person



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