

July 2014

Volume 1, Issue 1

Of special interest:

- Prof. Christine Piper has actively supported the campaign for the reform of the law of neglect of children
- Susan Easton a key discus- sant in the debate on prison- ers' voting rights
- Flaws with the judicial inves- tigation of Golden Dawn could boost the far-right extremist party in Greece, warns Dimitrios Gian- nouloupoulos

Inside this issue:

- Reform of law on child cruelty 2
- Prisoners' rights 2
- Road Safety Trust 2
- Recent and forthcoming publications 2
- Spotlight on political extremism and the criminal justice system: the judicial investigation of Golden Dawn 3

Editorial

Welcome to CJ@B (Criminal Justice @ Brunel), the Criminal Justice Research Centre's news- letter, which will be reporting on recent developments in criminal law and criminal jus- tice, in the UK and abroad, providing commentary and

analysis by our members and guest contributors.

The newsletter will be also reporting on our members' activities, with a focus on academic scholarship, empir- ical research and research

impact, research-led teach- ing, external collaborations and related educational ac- tivities.

The Centre

The Criminal Justice Re- search Centre (CJRC) began activities in 2006, taking over from the Centre for Crimi- nal Justice Research that preceded it. The previous Centre undertook a wide range of research from the early 1990s onward, includ- ing ground-breaking empiri- cal studies of domestic vio- lence, policing and unlawful driving behaviour. Brunel Law School is pleased that the excellent reputation and track record of the former centre continues in the guise of the CJRC.

Members of the CJRC are engaged in a range of re- search initiatives including publishing in and editing international journals, au-

thoring books, presenting conference papers, chairing conference sessions, editing book collections, member- ship of external committees, and involvement in external bodies reviewing criminal justice policies. Naturally, it undertakes empirical and theoretical research in the fields of criminal justice practice and policy, and the group publishes widely in areas currently including sentencing, imprisonment, criminal evidence, compara- tive criminal justice, criminal jurisprudence, roads policing and domestic violence.

There is also a long tradition of high profile research into unlawful driving behaviour

undertaken by members of the group with studies car- ried out for the Transport Research Laboratory, De- partment for Transport and TfL, and other commis- sioned research conducted for the Home Office.

All members of the Centre regularly contribute to the the Law School's [LLB Law with Criminal Justice](#) and related postgraduate pro- grammes, drawing on exper- tise in specialist areas such as comparative criminal justice, counter-terrorism and international criminal law.



Reform of the law on child cruelty

The government has recently introduced, in the Serious Crime Bill 2014, an amendment to the criminal law on child cruelty in section 1 of the Children and Young Persons Act 1933, originally drafted in the 1860s. The campaign for this change has been led by the charity Action for Children (see <http://www.actionforchildren.org.uk/campaigns/tackling-child-neglect/changing-the-law>) and supported by Baroness Elizabeth Butler-Sloss, former President of the Family Divi-

sion (who holds an honorary LLD conferred by Brunel University).

Professor Christine Piper has actively supported that campaign. See, for example, Piper, C. 'Neglect Neglected' Family Law [2013] 722-725. She is currently involved in trying to ensure further changes to section 1.

As introduced, cl 62 of the Act makes clear that cruelty or neglect can be emotional or psychological as well as physical. However, "wilfully" is not defined and nor has the current threshold of "unnecessary suffering" been replaced. (See Piper, C. and Kaganas, F 'Child Cruelty', Westlaw Insight.)



Prisoners' voting rights

Susan Easton has been making regular interventions in scholarly debates and in the media, on the controversies arising from the UK's clash with the European Court of Human Rights on prisoners' voting rights.

She has recently participated in a debate at King's College on [Prisoner Voting Rights: the meaning and consequences of defying Strasbourg in Parliament](#).

Her co-panelists were Lord Phillips of Worth Matravers, the former President of the Supreme Court and Dr. Michael Pinto-Duschinsky, a member of the UK Commission on a Bill of Rights.

Susan Easton argued that felon disenfranchisement is difficult to justify on the established principles of punishment and that giving the vote to

sentenced prisoners recognises them as citizens and may contribute to the rehabilitation process. These arguments are discussed further in *Prisoners' Rights: Principles and Practice* (Routledge 2011) and in 'Protecting prisoners: the impact of international human rights law on the treatment of prisoners in the United Kingdom', *The Prison Journal* (2013), 93(4), 375-89.

The issue of prisoners' voting rights continues to cause significant controversy in the UK, and has adversely affected the relationship with the ECtHR

New Road Safety Trust

Dr Claire Corbett, Visiting Senior Research Fellow and former director of CJRC, has recently become a trustee of the newly inaugurated Road Safety Trust.

The roles of the Trust are several. These include overseeing and supporting the work of its subsidiary not-for-profit company, the UK

Road Offender Education (UK ROEd) that administers and manages the National Driver Offender Retaining Scheme (NDORS); supporting the work of the police in managing and developing re-education courses; and awarding grants to worthy road

safety initiatives. NDORS offers a range of six courses currently to minor traffic offenders for the purpose of re-education as an alternative to prosecution. The national speed awareness course is the best known to date.

Recent and forthcoming publications

Dr Gerard Conway: 9 entries in P. Herzog, C. Campbell & G. Zagel (editors), *Smit and Herzog on the Law of the European Union* (Lexis-Nexis 2014), on Articles 68-71 and 82-86 of the Treaty on the Functioning of the European Union

Piper, C and Easton, S. 'Seriousness: limiting a disproportionate construction?' in Cornwell, D., Blad, J. and Wright, M. (eds) *Civilising Criminal Justice*, (2013) Waterside Press.

Easton, S. and Piper, C. 'Fixed penalties for careless driving: the delusion of deterrence?' *Contemporary Issues in Law* (2014 forthcoming)

The meteoric rise of the extreme far-right, neo-fascist, party of *Golden Dawn* in Greece, and the notorious criminal activities it has come to be associated with, have received much attention by media around the globe, including in the UK (see, for example the [documentary broadcast by Channel 4 in March 2014](#)). Far less known are the inherent complexities, risks and inconsistencies in the ongoing judicial investigation of *Golden Dawn*, which has recently entered a critical phase, with the lifting by Parliament of the legal immunity of a number of Golden Dawn MPs for their suspected membership in, or leadership of, the corresponding criminal organisation (punished by art 187 of the Greek Criminal Code with a maximum sentence of 10 years imprisonment - for membership in the organisation - and a sentence of *at least* 10 years imprisonment, for *leadership* of the organisation).

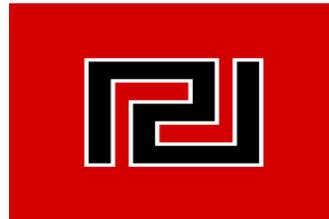
It is these more obscure, more technical, aspects of recent developments with Golden Dawn that were explored by Dr Dimitrios Giannouloupoulos, Deputy Director of the CJRC, in a recent intervention to a specialist group of professional and academic experts with backgrounds in political sciences, sociology, psychology and journalism, in the context of a workshop that also brought together analysts from the consultancy Coun-

terpoint and the leading cross-party think tank Demos (for the workshop website see [here](#)).

Dr Giannouloupoulos highlighted disconcerting inconsistencies in the judicial investigation triggered with the murder of anti-fascist rapper Pavlos Fissas by members of the Golden Dawn, such as in relation to the investigating judge decisions on bail, the lack of progress with a parallel investigation concerning the murder of two members of Golden Dawn in retaliation for the fatal stabbing of Pavlos Fissas or the fact that judicial authorities and Parliament have so far failed to investigate the accuracy of serious accusations by high level officials about alleged political interference with the bringing of criminal charges against Golden Dawn (the scandal broke out when a video emerged on the internet, showing the Government's Chief of Staff admitting to Golden Dawn's spokesman, Ilias Kasidiaris, in alarmingly amicable conversation, that the Greek PM had instigated the judicial investigation of Golden Dawn, because of concerns that the far-right party was taking votes away from mainstream Right currently in power. See more information [here](#)).

Stressing the need for the urgent correction of these inconsistencies, Dr Giannouloupoulos sketched the important challenges and risks

inherent in the criminal prosecution of Golden Dawn, especially in terms of establishing the criminal liability of those in leadership of the party for the suspected serious criminal activity undertaken by its members; the problem is



Golden Dawn flag

exacerbated by the dual nature of Golden Dawn as a 'legitimate' (given Supreme Court authorisation) political party and de facto criminal organisation, and all the more so in view of the rhetoric of 'political persecution' aggressively developed by the suspected MPs, in Parliament, media and other highly available fora, national and international (see, for example, a report from Guardian on [Golden Dawn leader's furious reaction to the lifting of his legal immunity](#)).

Dr Giannouloupoulos warned that failure to meet these challenges, and counter these risks, could lead the judicial investigation to contribute itself to further electoral successes by the extreme far-right, neo-Nazi, party.

The complexity of the judicial investigation is exacerbated by the dual nature of Golden Dawn as a 'legitimate' political party and de facto criminal organisation