

JUSTICE manifesto

for the rule of law



JUSTICE's draft manifesto for the rule of law will be launched at a public meeting on Tuesday 16 January 2007. We aim to secure widespread support for its principles with a view to publishing a definitive charter for the rule of law at the end of 2007. The charter would provide a statement of principles which would guide policy-makers in the years ahead and provide a benchmark against which to evaluate future developments. JUSTICE welcomes feedback on the content of its draft manifesto for the rule of law – please address your comments **to Roger Smith** via rsmith@justice.org.uk

The United Kingdom should adhere to international human rights standards both in its domestic and foreign policy

- As one of the founding members of the UN and a permanent member of the UN Security Council, the UK should seek constantly to promote the international rule of law and the protection of fundamental rights
- The protection of human rights world-wide should be a major concern of UK foreign policy
- The UK should not condone the use of torture or ill-treatment by any state
- The actions of UK officials and troops anywhere in the world should be consistent with the UK's own obligations under international human rights law and international humanitarian law
- Legislation and governmental decisions should always be made consistent with the UK's obligations under international human rights law
- Human rights should be recognised as being constitutionally protected in the UK

The independence of the legal profession and the judiciary must be upheld

- The jurisdiction of the higher courts to ensure that the actions and decisions of the executive are consistent with the rule of law must be preserved
- The professional independence of lawyers should be retained in any reform of their governing institutions
- Governments should refrain from criticising the judiciary in any manner that would diminish public confidence in the fair administration of justice

Due process and the right to a fair trial must be protected

- Criminal activity should be dealt with by way of the criminal law, not civil or administrative procedures
- No person shall be deprived of their liberty on the basis of secret evidence
- The right to jury trial should be maintained for all but minor criminal offences
- Police powers should be clearly defined, with effective safeguards provided against any abuse
- Civil orders, such as those relating to anti-social behaviour, should be targeted, proportionate and only imposed after a fair hearing

Every person has the right to equality before and under the law

- The government should implement the right to equality set out in the European Charter of Fundamental Rights
- The government should agree every available right of individual petition under UN and regional instruments
- The government should pass a single equality act to ensure that common, comprehensible standards with consistent definitions of key terms and effective remedies apply to all the prohibited grounds of discrimination

Every person in the UK, however poor or disadvantaged, has the right of access to justice

- Legal aid must be available in both civil and criminal cases at reasonable levels of financial eligibility and acceptable levels of contribution
- Civil legal aid needs to be protected from escalating expenditure on crime
- Eligibility for, and the scope of, legal aid must be transparent and comprehensible
- Civil legal services should have a clear focus and purpose

Parliament should have greater powers to scrutinise legislation and hold ministers to account

- The government must allow reasonable time for the consideration of bills
- The scope of the royal prerogative should be restricted
- All non-urgent contentious bills should be considered by Parliamentary committees for pre-legislative scrutiny and all significant bills should be subject to post-legislative Parliamentary scrutiny

Greater cooperation between European Union member states must be accompanied by greater protection for the rights of individuals affected

- The UK should agree greater protection for the rights of suspects and defendants in the field of judicial cooperation in criminal matters