

# 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](mailto: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