

Vision, mission, principles and advocacy areas

**Approved by the Fair Trials Board
12th April 2022**

Fair Trials is an international NGO that campaigns for fair and equal criminal justice systems. Our team of independent experts expose threats to justice through original research and identify practical changes to fix them. We campaign to change laws, support strategic litigation, reform policy and develop international standards and best practice. We do this by supporting local movements for reform and building partnerships with lawyers, activists, academics and other NGOs. We are the only international NGO that campaigns exclusively on the right to a fair trial, giving us a comparative perspective on how to tackle failings within criminal justice systems globally.

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Fair Trials' vision

A world in which governments use the power of the criminal process with utmost restraint, humanity, fairness, equality, and respect for the rights and dignity of all people.

Fair Trials' mission

We serve as an international criminal justice watchdog working to expose, challenge and remedy systemic injustice in criminal processes. We oppose overcriminalisation, discrimination, disparate treatment, and marginalisation of communities. Through evidence-based research, we support broad coalitions, where appropriate, to expose injustice and promote fundamental human rights at all stages of the criminal process.

Principles

Preface

Fair Trials is a global criminal justice watchdog that campaigns for fairness, equality, and justice and will adhere to the following principles in pursuit of its institutional vision and mission. These principles reflect a core view that criminal justice systems throughout much of the world are tending to become far too expansive, punitive, and procedurally abusive. Further, they are often systematically invoked in a manner that disproportionately impacts racial and ethnic minorities and other marginalised and poor communities. Fair Trials recognises that in some parts of the world many individuals now opt to refer to the system as a criminal 'legal' system because they do not see the system as routinely providing justice for those who are subject to it.

Fair Trials is committed to fairness and the fundamental notion that the world's criminal justice systems need extensive reform where they fall short. These systems must deliver fairness, equality, and justice, as well as embrace the human dignity of every individual. To advance that goal, Fair Trials is committed to promoting transparency and, where necessary, holding the machinery of law enforcement to account by exposing systemic injustice and promoting the reforms necessary to eradicate it. We are particularly committed to promoting reform through evidence-based research and studies.

Further, the power of the state to arrest, prosecute, and punish, which inherently is the most coercive use of state authority short of warfare, must be exercised with utmost restraint and afford safeguards for the rights of the accused. It should not be employed broadly to address all manner of disfavoured conduct that is not inherently criminal. It should not be employed to suppress political dissent. Nor should it be employed to oppress any segment of the population or to address social challenges that are more justly and appropriately remediated through resources devoted to poverty alleviation, education, housing, and health care.

Fair Trials recognises that criminal prosecution is often a tool of first resort of public policy when it should be the measure of last resort. Indeed, many believe society should fundamentally alter its approach to law enforcement and punishment, eschewing the punitive approach and adopting a more enlightened harm reduction model to address disfavoured behaviour. Fair Trials shares those views and espouses principles that advocate for more expansive alternatives to prosecution and punishment where appropriate. Further, while Fair Trials focuses on promoting the fairness of criminal justice systems, which is the core area of its institutional expertise, there is an overriding need for societies to invest in education, care, services, and institutions that promote opportunities to alleviate poverty and addiction, as well as to provide support and treatment for those suffering from with mental health or neurodivergent conditions.

Additionally, Fair Trials recognises that to fully capitalise on its expertise it is essential to forge meaningful relationships with impacted communities. Those with lived experience are singularly able to inform policy choices and can contribute immeasurably to the efficacy of research and analysis and can help Fair Trials shape the most effective and just solutions. Fair Trials' engagement with these and other grassroots reform groups can elevate their capacity to achieve reform, while simultaneously making Fair Trials a stronger and more effective global advocate for reform.

Fair Trials also notes that these principles are aspirational. Accordingly, even when well-intentioned reforms fall short of the ideal, Fair Trials will continuously promote efforts that ameliorate the most harmful and unjust aspects of a criminal justice system.

Finally, Fair Trials recognises that while the fairness of the trial process itself is critical to the cause of justice, no less critical are the processes that bring people into the criminal justice system and how they are treated after the trial process is completed. Accordingly, Fair Trials is committed to the reform of the overall criminal justice process where it is flawed. To that end, Fair Trials commits to engage constructively with all stakeholders who shape the criminal law and how it is applied and will collaborate with all those who share Fair Trials' vision and core principles.

Statement of principles

Values

1. We believe that all aspects of the criminal process should value human dignity.
2. We believe that criminal proceedings should be a last resort and we support alternatives to prosecution that focus on harm reduction, care, and, where appropriate, treatment.
3. We believe that all forms of discrimination must be eliminated from every stage of the criminal process from policing to prosecution and punishment, and that the criminal process must respond to the needs of marginalised communities, including those with limited economic resources and individuals with physical or mental health impairments.
4. We oppose the use of torture in all circumstances and all forms of physical or psychological coercion in custodial settings or at other points in the criminal process.
5. We believe that evidence-based research and study is essential to promote reform and that criminal justice actors must comprehensively collect and publish data to provide transparency; to evaluate fairness, equality, and effectiveness; and to promote reform.

6. We oppose the privatisation of criminal justice, which inevitably injects a corrosive profit motive into the exercise of state power.
7. We recognise that the criminal justice reform movement is a complex ecosystem and that many voices must be heard to achieve the meaningful reform necessary to realise the fair, lawful, and proportional use of criminal powers by the state.
8. We believe that lasting reform requires collaboration and partnership, and counsel from others, including movements and groups whose goals may have principal objectives unrelated to criminal justice, but whose rights are inevitably impacted by the criminal justice system.
9. We recognise that those who wield executive, legislative, and judicial power can play an indispensable role in promoting criminal justice reform and therefore commit to engage in well-informed advocacy with them, while at the same time collaborating with and learning from all those who share Fair Trials' vision for a fair, just, and humane criminal justice system.
10. We support individualised human decision-making as the fulcrum of a fair criminal justice system and reject the use of technology and digitised processes by law enforcement decision-makers that erode individualised justice and perpetuate pre-existing systemic flaws.

Criminal justice processes

11. We believe that the criminal process must respect fundamental rights at all stages and that all states must not only conform to recognised international human rights standards but also should conform to other standards of fairness and due process as may be required by the laws of each state.
12. We oppose coercive waivers of fair trial rights as part of plea bargaining, fast track proceedings, penal orders, or other abbreviated proceedings that induce the waiver of fundamental rights, as they are antithetical to the procedural protections and judicial oversight over state actors that are central to the right to a fair trial.
13. We believe that states must ensure that fully trained and resourced counsel, as well as ancillary services, are available to anyone who is accused of a crime and cannot afford to engage counsel of their choice, and that these services should be available throughout the criminal process. We further believe that there should be equality of resources between prosecutors and public defence counsel.
14. We believe that custodial interrogations should be conducted in compliance with adequate legal safeguards, in conformity with international human rights standards and best scientific practices, and should never employ torture, isolation, threats, deception, or other discredited practices.
15. We believe that accused people should be presumed innocent until proven guilty and therefore disfavour the use of pre-trial detention as a default position. In jurisdictions where pre-trial detention exists, it should be presumptively disfavoured as a matter of law and available only as a measure of last resort. This should require a strong evidentiary justification predicated on limited and precisely defined legal grounds in a process that affords the accused adequately resourced counsel and a right to an immediate appeal to a higher court and regular review of the detention determination.
16. For the same reason that we disfavour pre-trial detention, we oppose the use of cash bail or monetary bonds that inherently disadvantage accused people of limited financial means. Instead, we support the least restrictive alternative mechanisms to ensure that accused people can remain at liberty pending their hearing or trial.

Scope

17. We support an overall reduction in the imprint of the criminal process so that it plays a much smaller role in society with far less impact on human lives. We therefore oppose overcriminalisation and believe that it is inappropriate and counterproductive to use the criminal law to address minor offences and disfavoured personal, economic, and social behaviour.
18. We believe that the primary focus of the criminal process should be repair and restorative justice rather than the imposition of punishment and that those who have been lawfully convicted should not forever be defined by the act for which they were convicted.
19. We oppose mass incarceration and excessively lengthy sentences, and we believe that imprisonment should be a punishment of last resort, that no judgment should be final, and that there should always be avenues to review and reduce sentences of incarceration.
20. We believe that policing powers must be exercised within the bounds of the law and with fairness to all communities and that overly expansive policing, including abusive surveillance, unregulated use of artificial intelligence and big data, and unregulated searches and seizures must be resisted.

Advocacy areas

To fulfill its vision and mission, and informed by its core principles, Fair Trials embraces five core areas of advocacy. These are intended to be a broad articulation of the various categories of effective advocacy that are essential to the reform of criminal justice. Systemic racism and disparity are pervasive in all aspects of criminal law enforcement, prosecution, and punishment. Thus, while identifying and eliminating systemic racism, implicit bias, and disparate treatment based upon race, ethnicity, gender, or any other factor is itself a core area of advocacy, Fair Trials commits to identifying and eliminating these abuses in all projects it undertakes in any of the following categories.

1. Promote procedural fairness and transparency
2. Oppose overcriminalisation
3. Oppose overincarceration
4. Identify and eliminate systemic racism, implicit bias, and disparate treatment based upon race, ethnicity, gender, or any other factor
5. Rein in government overreach through the misuse of the police power and privatisation of criminal justice

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