

SUVA STATEMENT ON THE PRINCIPLES OF JUDICIAL INDEPENDENCE & ACCESS TO JUSTICE

Preamble

Whereas the *Universal Declaration of Human Rights* enshrines the principles of equality before the law and of the right to a fair and public hearing by an independent and impartial tribunal,

Whereas these principles are vital to ensuring that no-one is arbitrarily deprived of their fundamental human rights and freedoms, in particular the rights to life, liberty and security of the person and not to be subjected to torture or cruel, inhuman or degrading treatment or punishment,

Whereas maintenance of the rule of law and protection of fundamental rights and freedoms are the hallmarks of any democratic society,

Whereas these principles are guaranteed by the *International Covenant on Civil and Political Rights* and numerous other international, regional and national human rights instruments and norms,

Whereas judges play a crucial role in elaborating and applying these principles and therefore the rules governing the administration of justice in every country should enable judges to do this without fear of adverse consequences,

Reaffirming the United Nations Basic Principles on the Independence of the Judiciary, the Harare Declaration of the Commonwealth, the Beijing Statement on the Principles of the Independence of the Judiciary, the Bangalore Principles of Judicial Conduct and the Latimer House Guidelines,

The participants of the Judicial Colloquium on Access to Justice in a Changing World held in Suva, Fiji from 6th – 8th August 2004 adopt this statement.

Statement

1. Every individual and group should be guaranteed equal access to justice, free from discrimination, regardless of status.
2. A society is respected for its fair treatment of all individuals within its jurisdiction regardless of their opinions, actions or status. All individuals should be free to enjoy equally their human rights, regardless of race, religion and belief, gender, sexual orientation, disability or other status.
3. Human rights can only be protected through an independent and impartial judiciary free from any form of pressure and supported by an autonomous and well-resourced justice system.

4. All state and non-state institutions and actors are under an obligation to respect and observe the independence of the judiciary and not subject it to threats, intimidation or any other form of interference or harassment.
5. Whilst it is recognised that all governments are faced with the difficult task of protecting the security of their citizens, this should not be achieved at the expense of human rights and equal access to justice. It is the duty of judges to ensure equality of access.
6. Access to justice requires a full understanding of the language and procedures of the court and it is the duty of all judges to ensure this is provided.
7. Effective access to justice cannot be achieved without provision to the public of sufficient and reasonably accessible information of their rights under the law.
8. All detainees, whatever their status and the nature of the offences they have been charged with, should be treated humanely in accordance with international human rights standards, and any evidence obtained directly or indirectly as a result of torture, cruel or inhuman treatment must be disregarded.
9. Emergency powers resulting in derogations from human rights protections should be always limited in time and subject to judicial scrutiny.
10. Recognising the increasing significance of international human rights law in all jurisdictions, judges should use such law in the interpretation and application of domestic law.
11. All legal education and training should include international and comparative human rights law and its practical application.