

— THE —  
HAMLYN  
LECTURES  
— 2016 —

*To be delivered by*

**Dame Sian Elias**

Chief Justice of New Zealand

## **Golden Threads and Pragmatic Patches: Fairness in Criminal Justice**

### **Lecture 2: Righting Criminal Justice**

**Date:** Monday 14 November 2016

**Time:** 18.00 (Doors opening 17:45)  
followed by a drinks reception

**Venue:** The Alumni Auditorium  
The Forum  
University of Exeter

**Chair:** Sir Stephen Sedley  
Former Lord Justice of Appeal

**RSVP:** If you wish to attend, please email: [ssis-events@exeter.ac.uk](mailto:ssis-events@exeter.ac.uk)

For further details please visit: [www.law.ex.ac.uk/hamlyn](http://www.law.ex.ac.uk/hamlyn)



Enacted statements of rights provide organising principles and moral weight to the principles and rules of criminal justice derived from the common law. The lecture explores the extent to which invocation of the language of rights has improved the delivery of just and fair outcomes in criminal justice. It questions whether the vitality of criminal justice may come to be diminished in those jurisdictions with legislative statements of right and partial codification of the law of evidence by focus on statutory interpretation, the minimum standards set for observance of human rights, the balancing methodology used by courts (and sometimes legislatively prescribed) to adjust rights or justify their breach, and an emphasis on safety of verdict to the exclusion of rule of law considerations. These themes are discussed by reference to recent cases in Canada, Australia and New Zealand concerned with police deception or unlawful conduct in investigations. Such pre-trial impropriety may not give rise to unsafe verdicts but may evade observance of rights or infringe rule of law values.

