**Initial Post**

Justice and fairness are critical in determining court cases, with the principle of presumption of innocent playing a central role in ensuring that defendants are not discriminated against and unfairly judged. The principle of reverse burden of proof is inconsistent with the presumption of innocence, as the latter provides that the prosecution demonstrates that the defendant is guilty beyond a reasonable doubt, whereas the former provides that the defendant demonstrates his or her innocence on the balance of probabilities[[1]](#footnote-1). The interference with the presumption of innocence can be triggered if it is so justified, given the special circumstances the case at hand is determined[[2]](#footnote-2). Usually, the burden of proof rests with the prosecutor. However, in some circumstances, the reverse burden of proof is applied, requiring the defendant to prove innocent. Reverse burden of proof is thought to in contravention of Article 6 of the *European Convention on Human Rights* and section 3 of *Human Rights Act 1998*. The court determines the applicability of the doctrine by looking at prevailing conditions upon which the case before it is anchored. The legal and evidential burdens influence the use of reverse burden of proof and presumption of innocence[[3]](#footnote-3). In essence, the application of principles of the presumption of innocence and reverse burdens of proof must be proportionate to avoid infringing on the defendants’ rights as well as compromising justice and fairness.

Bibliography

**Primary Sources**

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Article 6 of the European Convention on Human Rights.

1. R v Lambert [2001] UKHL 37 [↑](#footnote-ref-1)
2. Salmon and Moore v Her Majesty's Advocate [1998] ScotHC 12 [↑](#footnote-ref-2)
3. R v Lambert [2001] UKHL 37. [↑](#footnote-ref-3)