

Article 6 - right to a fair trial and hearing

Article 6 provides a detailed [right to a fair trial](#), including the right to a public hearing before an independent and impartial tribunal within reasonable time, the [presumption of innocence](#), and other minimum rights for those charged in a criminal case (adequate time and facilities to prepare their defence, access to legal representation, right to examine witnesses against them or have them examined, right to the free assistance of an interpreter).

The majority of Convention violations that the Court finds today are excessive delays, in violation of the "reasonable time" requirement, in civil and criminal proceedings before national courts, mostly in [Italy](#) and [France](#). Under the "independent tribunal" requirement, the Court has ruled that military judges in Turkish state security courts are incompatible with Article 6.

Another significant set of violations concerns the "confrontation clause" of Article 6 (i.e. the right to examine witnesses or have them examined). In this respect, problems of compliance with Article 6 may arise when national laws allow the use in evidence of the testimonies of absent, anonymous and vulnerable witnesses.

The **Right to a fair trial** is an essential right in all countries respecting the [rule of law](#). It is explicitly proclaimed in Article Ten of the [Universal Declaration of Human Rights](#), the [Sixth Amendment](#) to the [US Constitution](#), and Article Six of the [European Convention of Human Rights](#), as well as numerous other constitutions and declarations throughout the world.

The essential ingredients for a fair and just civil trial must include a competent, neutral and detached [judge](#) (an independent judge); the absence of any intimidation of witnesses and ideally, an equal weight of arms, i.e. a [level playing field](#) in terms of legal representation, such as a [right to counsel](#) for criminal defendants.