

RIGHT TO A FAIR TRIAL



WHAT DOES THE RIGHT SAY?

"In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law. Everyone charged with a criminal offence has the following minimum rights:

- to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;
- to have adequate time and facilities for the preparation of his defence;
- to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;
- to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
- to have the free assistance of an interpreter if he cannot understand or speak the language used in court."



WHERE DOES IT COME FROM?

- 1215 Magna Carta: "to no one will we sell, to no one will we refuse or delay, right or justice".
- 1689 Bill of Rights banned excessive fines and protected the right to a trial by jury.
- 1701 Act of Settlement enshrined judicial independence.



WHAT DOES IT MEAN IN PLAIN ENGLISH?

- We have the right to a fair trial before an unbiased judge, in public and in a reasonable amount of time.
- If you are accused of a crime you are innocent until proved guilty.
- You have the right to be assisted by a lawyer. If you can't afford it the state will sometimes have to pay.



THREE KEY THINGS THAT IT DOES FOR US

Landmark court cases:

1975 Gives us the right to contact a lawyer... – Golder, Europe

A prisoner was stopped from writing a letter to his solicitor. This breached his rights.

1996 We must have proper access to a lawyer – Murray, Europe
John was arrested. He was interviewed 12 times over two days without being allowed to see a lawyer. This breached his rights.

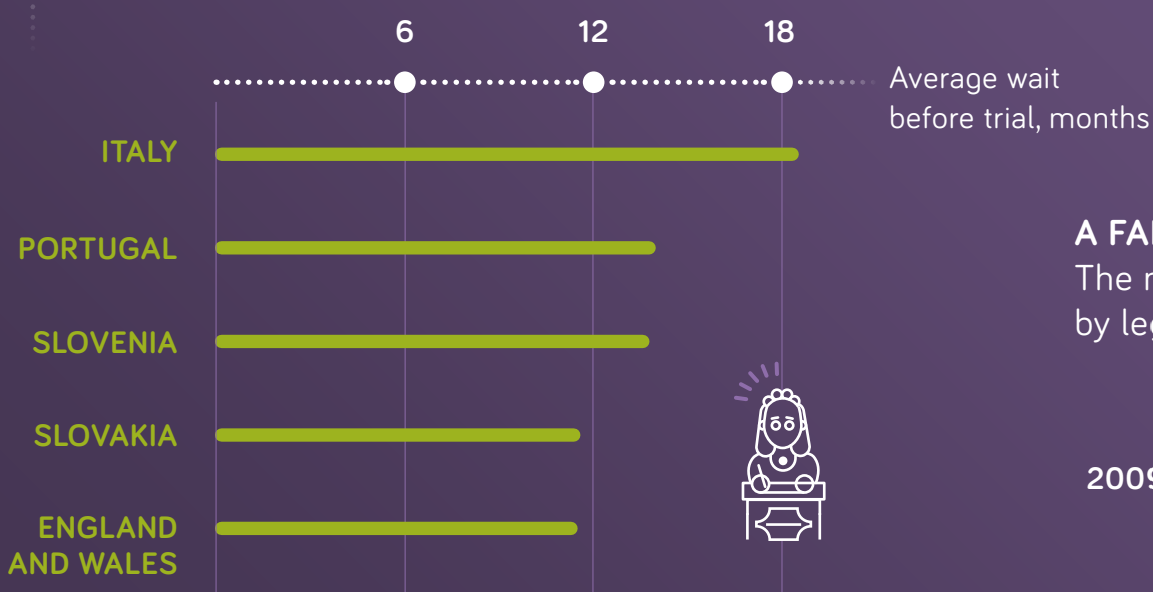
2014 We get free legal help if it's necessary for justice – Gudanaviciene, UK
Teresa was threatened with deportation after stabbing her abusive husband. She would have to leave her daughter. She got legal aid because of Article 6.



WHY IS IT NEEDED NOW?

WE SHOULDN'T WAIT YEARS FOR A FAIR TRIAL

Five OECD countries with longest civil proceedings in court of first instance, 1959-2014



54% of Article 6 violations between 1959 and 2014 were about proceedings that went on too long

A FAIR TRIAL MUST BE AFFORDABLE

The number of acts of assistance (figures in '000s) funded by legal aid in England and Wales is falling

