## Right Not to Incriminate Oneself

Accept if: The following applies

- $\bullet$  The applicant is not compelled to testify under pressure or sanctioned for refusal;
- Authorities do not employ subterfuge to elicit testimony unobtainable during questioning:
- The applicant clearly understands their right if providing relevant testimony.

# Independent and Impartial

Accept if: Independence and impartiality are upheld for situations that are both

- Functional in nature (e.g., objective procedures in place to identify and prevent conflicts of interest):
- $\bullet$  Of a personal nature (e.g., suitable identification and response to signs of subjective bias).

## Equality of Arms and Adversarial Hearing

Accept if: All parties

- Have a fair balance in presenting their case;
- Are given fair opportunity to access and comment on evidence relevant to proceedings.

#### General Fairness

# Integrity of Evidence

Accept if: The following applies

- $\bullet$  Evidence is fairly obtained (e.g., entrapment is prohibited) and administered;
- Evidence raises no reasonable concerns with respect to other articles of the convention (e.g., a reasonable concern could be present if evidence is obtained in a manner that potentially violates article 3 prohibition of torture);
- The principle of immediacy is upheld evidence is heard in the presence of the judicial panel that decides the case, or reasonable actions are taken if the composition of the court is changed.

# Access to Court

Accept if: One of the following applies

- $\diamond$  The applicant is given the opportunity for their case to heard by tribunal;
- $\diamond$  There are legitimate practical and effective reasons for any limitations to hearing by tribunal.

## Legal Certainty is Upheld

Accept if: The following applies

- $\bullet$  The highest court's decision is legally binding where appropriate;
- $\bullet$  There exist no conflicting decisions in case law that affect the fairness of the proceedings.

# Clear Reasoning of Judicial Decisions

Accept if: The following applies

- $\bullet$  Superior courts address any lack of factual or legal basis of lower courts;
- The decision must allow an applicant to usefully exercise any available right of appeal;
- Either the decision must clearly address the essential issues of the case, or if jury-led then appropriate procedural safeguards must be in place to prevent arbitrariness of decisions.

Figure 1: ADM representation of Article 6 of the ECHR, on the issue of **General Fairness**.

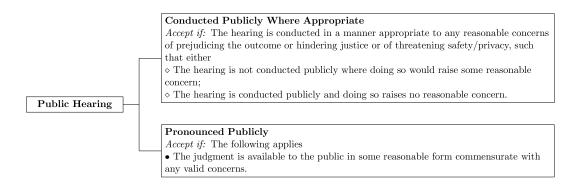


Figure 2: ADM representation of Article 6 of the ECHR, on the issue of **Public Hearing**.

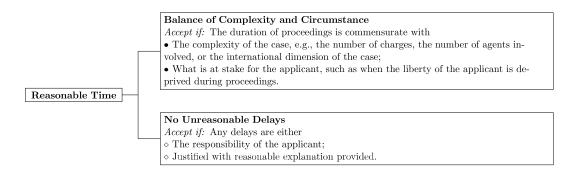


Figure 3: ADM representation of Article 6 of the ECHR, on the issue of **Reasonable Time**.

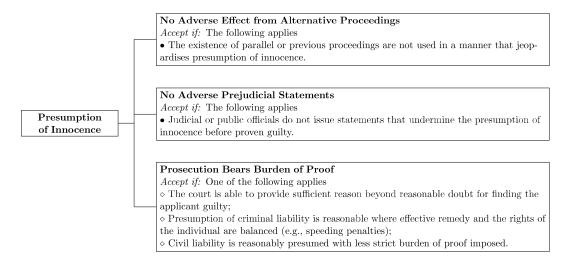


Figure 4: ADM representation of Article 6 of the ECHR, on the issue of **Presumption of Innocence**.

# Informed Promptly Accept if: The applicant is promptly informed in the correct language such that they are capable of understanding Of what they are accused; • The relevant detailed circumstances of the case including any reclassification of the charge. Allowed Time and Facilities for Defence Accept if: The following applies • The applicant is given adequate time and facilities in order to organise their defence given the circumstances of the case. Allowed to Defend in Person or Through Legal Assistance Rights of Accept if: The applicant is allowed a defence such that the applicant is either Permitted to defend themself in person or through legal assistance of their choosing; the Defence ♦ Given legal assistance for free when they lack the means to pay and the interests of justice so require. Option of Free Access to Interpreter Accept if: The following applies • The applicant has the option of free assistance of an interpreter if they cannot understand or speak the language used in court. Allowed to Fairly Examine Witnesses Accept if: The following applies • There is a valid reason for any non-attendance of a witness; • The defence may fairly call and examine witnesses.

Figure 5: ADM representation of Article 6 of the ECHR, on the issue of **Rights of the Defence**.