

The right to a fair trial according to Article 6 of the ECHR and Article 42 of the Albanian Constitution

Blerina Paja

Institute of Statistics of Albania

Viola Shtino

University "Aleksander Moisiu" of Durrës, Albania

Abstract

This article will be focused on the right to a fair trial, as one of the basic elements for guaranteeing many other human rights and fundamental freedoms, as well as an instrument to implement important democratic principles. The article is guided by two main approaches. Firstly, it treats different aspects of the legal theory on the right to a fair trial and due process, and secondly, the connection of these theoretical and legal aspects with the practical part, the interpretation of the norms guaranteeing the right to a fair trial and due process by the European Court of Human Rights (ECHR) and the Constitutional Court of the Republic of Albania (CCRA). We will analyze the Article 6 of the ECHR and Article 42 of the Albanian Constitution, looking at the difference and how they have interpreted the right to a fair trial and due process of law. To make the analysis as complete as possible, we will bring some of the most important decisions taken from the case-law of the ECHR and the case-law of the CCRA.

Keywords: due process, fair trial, Article 6, Article 42, Convention.

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