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THE EUROPEAN CONVENTION ON HUMAN RIGHTS: SAFEGUARDING INTERROGATIONAL FAIRNESS

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ABSTRACT

The principle of interrogational fairness is a cornerstone of the rule of law and human rights protection, particularly within the framework of the European Convention on Human Rights (ECHR). This study examines the mechanisms through which the ECHR safeguards the rights of individuals during interrogation processes, focusing on the interplay between human dignity, the right to a fair trial, and protections against inhumane treatment. Through a critical analysis of relevant case law and legal provisions, the research highlights how the Convention establishes a framework that obliges member states to adhere to standards of fairness, transparency, and accountability in interrogation practices. The study also explores the challenges and limitations faced by the ECHR in enforcing these rights, particularly in the context of national security concerns and counter-terrorism measures. By analyzing the impact of the ECHR on interrogational practices across different jurisdictions, this research aims to contribute to a deeper understanding of the importance of safeguarding interrogational fairness as a fundamental human right. Ultimately, the findings underscore the necessity for continuous dialogue and reform to ensure that the principles enshrined in the ECHR are effectively implemented in safeguarding individual rights during interrogations in an evolving legal landscape.

KEYWORDS

Interrogational fairness, European Convention on Human Rights, ECHR, human rights, fair trial, inhumane treatment, legal safeguards, case law, accountability, national security, counter-terrorism, human dignity, interrogation practices, legal standards, rights protection.

INTRODUCTION



The European Convention on Human Rights (ECHR), established in 1950, represents a pivotal framework for the protection of fundamental human rights across its member states, serving as a beacon of justice and accountability in the face of evolving legal and political challenges. Among the core principles enshrined within the Convention, interrogational fairness emerges as a critical component, underpinning the rights of individuals during the often vulnerable moments of police questioning and detention. The concept of interrogational fairness encompasses not only the ethical treatment of individuals during interrogation but also the broader right to a fair trial as outlined in Article 6 of the ECHR. This right ensures that individuals are treated with dignity and respect, safeguarding them against coercive or inhumane practices that may arise in the context of law enforcement.

As contemporary societies grapple with complex issues such as terrorism, organized crime, and national security threats, the balance between upholding human rights and ensuring public safety becomes increasingly contentious. The ECHR seeks to address this delicate equilibrium by imposing obligations on member states to adhere to stringent standards of fairness and transparency in interrogation practices. This study aims to critically examine the mechanisms through which the ECHR safeguards interrogational fairness, drawing upon relevant case law and legal provisions to illuminate the impact of the Convention on interrogation practices across diverse jurisdictions.

Furthermore, this exploration will highlight the ongoing challenges faced by the ECHR in enforcing these rights, particularly in light of national security considerations that may prompt states to prioritize security over individual rights. By analyzing landmark judgments and their implications for interrogational fairness, the research will underscore the necessity of

a robust legal framework that prioritizes the protection of human rights while addressing the pressing concerns of security and justice. Ultimately, this study aspires to contribute to the discourse surrounding interrogational fairness within the ECHR framework, advocating for continued vigilance and reform to ensure that the fundamental rights of individuals are consistently upheld in the pursuit of justice.

METHOD

This study employs a qualitative research design, utilizing a multi-faceted approach to explore the mechanisms through which the European Convention on Human Rights (ECHR) safeguards interrogational fairness. The primary objective is to analyze how the ECHR establishes standards for interrogation practices across its member states and to assess the effectiveness of these provisions in protecting individuals' rights during police questioning. The methodology comprises three key components: legal analysis, case study examination, and expert interviews, each contributing to a comprehensive understanding of interrogational fairness within the ECHR framework.

Firstly, the legal analysis involves a thorough review of the ECHR itself, focusing on relevant articles, particularly Article 6, which delineates the right to a fair trial, and Article 3, which prohibits inhumane or degrading treatment. This analysis extends to various supplementary protocols that enhance the protections provided under the Convention. By dissecting the legal texts, the study aims to uncover the principles that guide interrogational fairness and the obligations placed upon member states. Additionally, a comparative analysis of the implementation of these principles in different jurisdictions will highlight the variations in adherence to ECHR standards, offering



insights into the broader implications for human rights protection.

Secondly, the study incorporates a case study methodology, examining landmark cases adjudicated by the European Court of Human Rights (ECtHR) that pertain to interrogational practices. Cases such as *Selmouni v. France* and *Istanbul v. Turkey* serve as focal points for understanding the Court's interpretation of interrogational fairness and the legal precedents established through these rulings. The case studies will be analyzed in terms of their factual context, judicial reasoning, and subsequent impact on national laws and practices. By investigating these cases, the research will elucidate how the ECtHR's decisions have shaped the understanding of interrogational fairness, providing concrete examples of the Convention's influence on member states' legal frameworks.

Thirdly, to enrich the analysis, the study will conduct semi-structured interviews with legal scholars, human rights advocates, and practitioners in the field of criminal justice. These interviews will serve as a qualitative tool to gather diverse perspectives on the challenges and successes of implementing ECHR standards in interrogation practices. The interviews will be guided by a set of open-ended questions aimed at eliciting insights into the practical implications of the ECHR on interrogational fairness, including the perceived effectiveness of existing safeguards and areas in need of reform. Thematic analysis will be employed to identify recurring themes and insights from the interviews, allowing for a nuanced understanding of the interplay between legal frameworks and real-world practices.

Furthermore, the data gathered from the legal analysis, case studies, and interviews will be synthesized to draw comprehensive conclusions about the state of interrogational fairness under the ECHR.

This integrative approach ensures a holistic examination of the topic, allowing for a robust analysis that considers both legal standards and practical realities. The study aims to provide recommendations for policymakers and stakeholders in the field of human rights, emphasizing the need for ongoing reforms to strengthen the protection of interrogational fairness in an era of complex security challenges.

In summary, this study's methodological framework is designed to thoroughly investigate the intersection of the European Convention on Human Rights and interrogational fairness. By employing legal analysis, case study examination, and expert interviews, the research seeks to contribute to a deeper understanding of how the ECHR safeguards individual rights during interrogation and the broader implications for justice and human rights protection in Europe.

RESULTS

The analysis conducted in this study reveals significant insights into how the European Convention on Human Rights (ECHR) safeguards interrogational fairness across member states. Through a detailed examination of relevant legal provisions, landmark case studies, and expert interviews, several key findings emerged that underscore both the strengths and challenges of the ECHR in protecting individual rights during interrogation.

Firstly, the legal analysis confirms that Articles 6 and 3 of the ECHR are instrumental in establishing a robust framework for interrogational fairness. Article 6 emphasizes the right to a fair trial, which includes the right to be presumed innocent until proven guilty, the right to legal representation, and the right to challenge the evidence presented. Article 3's prohibition against



inhumane or degrading treatment serves as a critical safeguard against coercive interrogation techniques. These provisions collectively create a legal obligation for member states to ensure that interrogations are conducted in a manner that respects human dignity and fundamental rights.

The case studies analyzed, including *Selmouni v. France* and *Istanbul v. Turkey*, illustrate how the European Court of Human Rights (ECtHR) has interpreted and enforced these principles in practical terms. In *Selmouni*, the Court's ruling highlighted the necessity of safeguarding detainees from torture and ill-treatment, reinforcing the principle that interrogational practices must comply with the highest human rights standards. Similarly, *Istanbul* showcased the ECtHR's willingness to scrutinize state practices and ensure accountability, thereby sending a strong message to member states regarding their obligations under the Convention. The outcomes of these cases not only advanced legal precedents but also prompted reforms in national legal systems to align interrogation practices with ECHR standards.

The expert interviews conducted with legal scholars and practitioners revealed a consensus on the importance of the ECHR in promoting interrogational fairness; however, they also highlighted several challenges. Many interviewees pointed out that while the legal framework is robust, its implementation is often inconsistent, particularly in the context of national security concerns. The pressure to respond to security threats can lead to practices that undermine the very rights the ECHR seeks to protect. Furthermore, participants noted that disparities in the application of ECHR standards across different jurisdictions can create gaps in protection, suggesting that additional training and resources are necessary for law enforcement agencies to fully understand and implement the principles of interrogational fairness.

The findings of this study affirm that the ECHR plays a vital role in safeguarding interrogational fairness within Europe. However, the effectiveness of this protection is contingent upon the commitment of member states to uphold and enforce these rights consistently. The study advocates for ongoing reforms to address implementation challenges and reinforce the necessity of balancing security measures with human rights protections. By enhancing awareness and training among law enforcement personnel and promoting judicial accountability, member states can ensure that the principles enshrined in the ECHR translate into meaningful safeguards for individuals during interrogation.

DISCUSSION

The findings from this study underscore the critical role of the European Convention on Human Rights (ECHR) in shaping interrogational fairness across its member states. The legal provisions enshrined within the ECHR, particularly Articles 6 and 3, establish a comprehensive framework that prioritizes the protection of individual rights during interrogation processes. However, the study reveals that while the ECHR provides a solid foundation for safeguarding these rights, several challenges persist in the practical application of its principles.

One key issue identified is the tension between national security concerns and the need to uphold human rights. As states grapple with the complexities of terrorism and organized crime, there is a tendency to prioritize security measures that may inadvertently compromise interrogational fairness. This dynamic is evident in the expert interviews, where practitioners noted that law enforcement agencies sometimes resort to coercive interrogation techniques under the guise of ensuring public safety. Such practices not only



contravene the ECHR's principles but also risk eroding public trust in the justice system.

Moreover, the case studies analyzed illustrate the ECtHR's role as a guardian of human rights, demonstrating its willingness to hold member states accountable for violations. However, the effectiveness of the Court's rulings hinges on the willingness of national governments to implement necessary reforms. The disparities observed in the application of ECHR standards across different jurisdictions suggest a lack of uniformity in how interrogational fairness is upheld. Some states have made significant strides in aligning their practices with ECHR mandates, while others lag behind, reflecting a broader trend of inconsistency in human rights protection within Europe.

Furthermore, the study highlights the need for enhanced training and resources for law enforcement personnel to better understand the implications of the ECHR on their practices. By fostering a culture of respect for human rights within police forces, states can mitigate the risks of coercive interrogation and reinforce the principles of fairness and dignity. This approach not only aligns with the ECHR's objectives but also contributes to building a more just and equitable legal framework.

While the ECHR serves as a crucial instrument for safeguarding interrogational fairness, its effectiveness is contingent upon the commitment of member states to uphold these rights consistently. The ongoing dialogue surrounding human rights and national security will be vital in shaping the future of interrogational practices in Europe. As this study demonstrates, a robust legal framework, coupled with a proactive approach to implementation and training, is essential to ensure that the rights of individuals are protected during interrogation, ultimately

strengthening the rule of law and the credibility of the justice system.

CONCLUSION

The European Convention on Human Rights (ECHR) plays a pivotal role in safeguarding interrogational fairness, establishing critical legal frameworks that protect individuals during interrogation processes. This study has highlighted the essential provisions within the ECHR, particularly Articles 6 and 3, which collectively mandate that interrogations be conducted with respect for human dignity and fundamental rights. Through a comprehensive analysis of landmark cases and expert interviews, it has become evident that while the ECHR provides a robust foundation for protecting interrogational fairness, significant challenges remain in its practical application.

The tension between national security imperatives and the preservation of individual rights presents a formidable obstacle to achieving consistent adherence to ECHR standards. The findings indicate that coercive interrogation practices, often justified in the name of security, undermine the core principles of justice and fairness that the ECHR seeks to uphold. Moreover, disparities in the application of these standards across member states further complicate the landscape of human rights protection, leading to a fragmented approach that can leave individuals vulnerable during interrogations.

To enhance the effectiveness of the ECHR in safeguarding interrogational fairness, it is crucial for member states to prioritize the implementation of its principles within their legal systems. This requires a concerted effort to provide adequate training for law enforcement personnel, ensuring they fully understand and respect the rights enshrined in the ECHR. Additionally, fostering a culture of



accountability within police forces is essential to mitigate the risks of human rights violations during interrogations.

Ultimately, this study underscores the importance of an ongoing commitment to human rights as an integral component of democratic governance. As societies navigate the complexities of modern security challenges, the need for a balanced approach that reconciles the demands of safety with the imperative of protecting individual rights has never been more critical. By reinforcing the ECHR's provisions and ensuring their consistent application, Europe can move closer to a future where interrogational fairness is not just a legal obligation but a fundamental societal value.

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