

Selected aspects of the right to fair trial in civil proceedings

Abstract

Rigorous thesis titled Selected aspects of the right to fair trial in civil proceedings focuses on introduction of the aspects of the right to fair trial on the constitutional level as well as specifically in the context of civil proceedings. The historical circumstances of the origins of the right to fair trial in the different jurisdictions and the establishment of the right to fair trial in the Czech legal system are explained. Definition of each aspect of the right to fair trial in legislation and case law is presented with a stress on the importance of each aspect for civil proceedings. Four aspects of the right to fair trial are given special attention. These are the independence and impartiality of the court and of the judge, the right to a legal judge, the equality of arms and the judicial economy. The current legal definition is introduced in relation to each selected aspect. Then, the factual fulfilment of the aspect is analysed and when relevant a consideration is given to possibilities of applicable remedies. In relation to the first two aspects (closely related to the judges) a special focus is aimed at the impacts of individual judges' behaviour on the public's view of the justice system. The fulfilment of the equality of arms is assessed with a stress on low-income parties and the protection of their rights. In relation to the judicial economy (or the right to a trial without unreasonable delay and in an adequate period) the author paid special attention to whether the verdict is reached when it is still relevant for the parties and therefore provides a real guarantee to their individual rights. In some cases, the rigorous thesis puts the high level of protection of individual rights in legislation in contrast with the incorrect or insufficient applications of relevant tools designed to protect the right to fair trial in civil proceedings. The author however highlights the fact that many of the described failures are recognised and remedied during the appellate procedure within the judiciary itself.

Key words: human rights, right to fair trial, civil proceedings