

Abstract

The topic of this thesis is The right to a fair trial determine as a basic human right guaranteed by international conventions, constitutional order and other legal rules.

The thesis is aimed to determinate term of the right to a fair trial through its several aspects. The complex of individual aspects of the right to a fair trial, define its term. This work is intended to consider existing mechanisms in czech legal order, which are prevent breaching the right to a fair trial and is also intended to consider the legal remedy of that breaching and evaluate how the right to a fair trial is breaching in czech judicial practice.

Although the right to a fair trial is guaranteed in criminal, administrative and constitutional proceedings, this work is focused on civil process.

First chapter determinates general questions relating to the right of the fair trial. Within individual subchapters of the first chapter is determinate the term of the right to a fair trial and history of fair proceedings in czech history of law. Third subchapter contains legal regulation of the right to the fair trial in czech legal order.

Second chapter analyses several aspects of fair proceedings which are expressly arising from European Convention on Human Rights or constitutional order of the Czech Republic and analyses other individual aspects of fair trial which could be deduced implicit, because the right to a fair trial constitute demonstrative enumeration of elements, which could be in futuro extended.

Third chapter represents legal remedy in case of breaching the right to the fair trial with respect to national and international mechanisms. Within remedy of that breaching, national system provides legal relief at general courts, appellate courts and at Supreme Court and at Constitutional Court of the Czech Republic. Second subchapter is determined by process at European Court of Human Rights with its seat in Strasbourg and at European Court of Justice with its seat in Luxemburg. Third subchapter is devoted to European Convention on Human Rights.