

The purpose of my thesis is to analyse principles of civil procedure that are derived from the right to a fair trial. This topic is very actual partly because of the newest development of society (which poses new challenges even for the civil procedure) and partly because of the specific situation in the Czech Republic. Therefore it is necessary to not only be aware of the basic principles of the civil procedure, but as well know how they are being applied.

The thesis is composed of seven chapters, each of them dealing with a different principle. Chapter One is introductory and defines what are the principles concerned, where they come from and explores their history. The next part of the first chapter attempts to elucidate why this topic is of an interest in the Czech Republic at the current time. Chapter Two deals with the right to an independent and impartial tribunal established by law. Chapter Three focuses on the right to a fair hearing and ways by which it is secured. The right to a fair hearing consists of set of important rights, e. g. right to a hearing in one's presence, right to an effective participation at the hearing and right to an adversarial trial. Those rights must be interpreted in compliance with the principle of equality of arms. Chapter Four explores the right to trial within reasonable time. It outlines the meaning of “reasonableness” and how it is assessed. Then it describes measures supporting necessary expedition of proceedings in the Czech Republic. Chapter Five is concerned with right to legal assistance. It endeavours conditions under which it is necessary to provide legal assistance and ways of doing so Chapter Six focuses on the right to a public hearing and the public pronouncement of judgement, endeavours its importance and explores its implementation in the Czech law.. Chapter Seven summarises the findings from previous chapters and suggests that fair trial presents an ever-standing challenge for both legislation and everyday practice.

Legislation must bear the fair trial requirements in mind even in it's strive to accommodate the civil procedure to new challenges posed both internationally (e.g. the approximation of civil procedure across the EU or the protection of national security) and on the national level as well.

These challenges are particularly difficult in the current Czech Republic as the civil procedure code had been adopted in 1960s and has been amended more than hundred times since. That must have left a huge impact on its face. Therefore, the principles of civil procedure are an important interpretative tool for the everyday practice. Moreover, as the legislator seems to have started the preparation of a brand-new civil procedure code, those principles will have to play an important role as they outline basic requirements for the civil procedure.