

## SUMMARY

The aim of this master's thesis was to describe alternative dispute resolutions in the overall context of the right to judicial protection guaranteed by the judicial system. In the Czech Republic, there are several alternatives to legal proceedings; these are in particular: (1) arbitration, (2) mediation, and (3) conciliation by the Consumer Protection Act. The thesis then aimed to answer the question whether the existence of these different techniques of settling disputes extends the right to judicial protection of the parties – in a broader sense, whether there is an increase in application of their procedural rights – or vice versa.

Arbitration represents an important part of this thesis. I first focus on procedural rights participants in arbitration are guaranteed. I conclude that participants can waive the right to judicial protection guaranteed by Art. 36 of the Charter of Fundamental Rights and Basic Freedoms only under strict conditions, i.e. the expression of will must be unequivocal, informed (conscious) consent, free (voluntary, i.e. without coercion), unconditional; and only to a limited extent. However, this waiver is not absolute and unlimited; certain minimum guarantees of procedural rights defined by practice of the European Court of Human Rights in Strasbourg are applied to ensure a sufficient level of legal protection. The thesis then analyses in detail the relationship between arbitrators and courts, and the mechanisms they use to exert influence over each other (accessory measures and controlling mechanisms).

As a voluntary process which leads to better communication between the parties, mediation can ensure that a more acceptable (thus more just) settlement is reached. In this regard, this thesis reflects especially the status of mediators and their relationship to courts, which, on the basis of procedural rules, can demand that an initial meeting with a mediator is held. Conciliation is then introduced as a new way of resolving disputes, which has recently been revised under Consumer Protection Act and which, through procedural rules, can strengthen consumer's position while attempting that an amicable settlement is reached without stripping the parties of their right to take their proposal to court.

The objective of this thesis was to explain the meaning and purpose of alternative dispute resolutions in the overall context of the right to judicial protection. These will help not only the academic community in thinking *de lege ferenda*, but also the general public in exercising their rights.