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EFFECTIVENESS OF THE LEGAL MECHANISMS OF THE EUROPEAN COURT OF HUMAN RIGHTS FOR A FAIR TRIAL: ANALYSIS THROUGH THE PRISM OF THE COURT'S PRACTICE

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The article is dedicated to a comprehensive analysis of the legal nature of the human right to a fair trial, the study of mechanisms for its normative and legal enforcement, and the effectiveness of its implementation through the lens of the case law of the European Court of Human Rights. Particular attention is paid to the systematic interpretation of this right in the context of international human rights standards and its correlation with the national legal systems of the states – parties to the European Convention on Human Rights and Fundamental Freedoms. The article conducts a doctrinal study of the right to a fair trial, defines its place in the hierarchy of fundamental human rights, and substantiates its absolute nature in the context of the modern concept of human rights. This right is one of the key elements of the rule of law, guaranteeing access to effective judicial protection and ensuring a balance between public and private interests in a legal state.

Significant attention is given to analyzing the role of the judiciary as the primary guarantor of the realization of this right, while judicial protection is considered not only as an instrument for restoring violated rights but also as a structural element of the justice mechanism, which determines the democratic principles of the functioning of the state apparatus. The judicial system is obliged to ensure compliance with a set of procedural guarantees that prevent arbitrary restrictions on a person's rights to access justice and to have their case reviewed objectively.

The study identifies the main structural components of the right to a fair trial, including:the right to have a case heard by an independent, impartial, and competent court; the right to equality of arms and adversarial proceedings; the right to legal certainty in judicial decision-making; the right to the openness and publicity of the judicial process; the right to have a case considered within a reasonable time, as an essential element of effective justice. It is noted that access to justice is a prerequisite for the realization of the right to a fair trial. Access to justice is proposed to be understood as a real opportunity, guaranteed by the state and ensured by effective legal mechanisms, for a person to appeal to the court to protect their rights, freedoms, or legitimate interests. It is argued that the primary task of the European Court of Human Rights in every case is to assess the overall fairness of the proceedings. Compliance with the requirements of a fair trial should be considered in each case, taking into account the development of the entire proceedings, rather than based on the isolated examination of one specific aspect or a particular instance.

The article also examines the issue of contradictions between national judicial systems and the standards of the European Court of Human Rights, which sometimes necessitate the revision of legal norms at the level of domestic legislation. The case law of the European Court of Human Rights demonstrates that a number of states face difficulties in implementing the Court's decisions, which negatively affects public trust in the judiciary. It is important to emphasize that the institutional capacity of national judicial systems must correspond to European standards of justice, ensuring that citizens have a real opportunity for effective protection of their rights. Failure to meet such standards can lead to systemic problems in the field of justice and an increased number of appeals to the European Court of Human Rights. In the context of international law, the need for harmonization of national legislation with the requirements of the Convention is emphasized, which would contribute to increasing the effectiveness of the realization of the right to a fair trial. This issue is particularly relevant for countries undergoing judicial system reforms and striving to strengthen its independence. The conclusions of the article emphasize that the human rights protection role of the European Court of Human Rights is a key factor in ensuring legal certainty in judicial practice. The enforcement of its decisions is mandatory for the member states of the Convention, and their disregard may have negative consequences for a country's international legal reputation.

Keywords: effectiveness, legal mechanisms, European court of human rights, fair trial, justice, judicial practice, convention, human rights, access to justice, judiciary, judicial independence, impartiality, equality of arms, adversarial proceedings, legal certainty.

Formulation of the problem. The right to a fair trial, as an integral component of the rule of law, not only forms the foundation of a legal state but also serves as a criterion for the effectiveness of national judicial systems. Its implementation requires a comprehensive approach that includes institutional, procedural, and substantive legal aspects, as well as the proper interpretation of international law provisions in light of evolving judicial practice. In this context, the interaction between national courts and the jurisdiction of the European Court of Human Rights (ECtHR) is of particular importance, as it facilitates the harmonization of legal standards and ensures their effective implementation. At the same time, contemporary challenges associated with the increasing workload of the judiciary necessitate the expansion of alternative dispute resolution mechanisms, such as mediation and arbitration, which can significantly enhance access to justice. Therefore, improving judicial practice, eliminating institutional imbalances, and ensuring an adequate level of legal awareness among citizens are urgent tasks for guaranteeing the real effectiveness of the right to a fair trial. Furthermore, strengthening the transparency of the judicial system and expanding mechanisms for public oversight will contribute to reducing judicial corruption and increasing trust in the judiciary. The issue of judicial digitalization is also relevant, as it will simplify access to justice and minimize bureaucratic obstacles. In the context of globalization, there is a

growing need to align national judicial practices with international standards, not only in terms of human rights but also in the field of interstate legal cooperation. Judicial practice must continuously adapt to new socio-economic realities, requiring improvements in the legislative framework and the training of highly qualified legal professionals. Thus, the effective realization of the right to a fair trial is not only a legal obligation of the state but also a necessary condition for the stability of a democratic society and the protection of fundamental human rights.

The right to a fair trial occupies a special place in the catalogue of fundamental human rights. Its classification as an absolute fundamental right of the individual is generally recognized, and the priority of this right is evidenced both by its inclusion in the first generation of human rights and by its enshrinement in the first universal international human rights instrument – the Universal Declaration of Human Rights of 1948 (Arts. 8, 10) [1]. The right to a fair trial, as a fundamental principle of the entire system for the protection of human rights and freedoms, has undergone normative development and detailed elaboration in the European Convention on Human Rights of 1950 (Art. 6; Protocol No. 7 (Arts. 2-4) (hereinafter – the Convention, ECHR) [2], the provisions of which are directly applied by the European Court of Human Rights.

Analysis of the study of the problem. The issue of understanding the human right to judicial protection has been reflected in the scientific works of such Ukrainian scholars as O. Antonyuk, V. Boiko, A. Zhukovskyi, A. Kolodii, V. Maliarenko, P. Rabinovych, H. Tymchenko, Yu. Todyka, M. Khavroniuk, S. Shevchuk, and others. The substantive content of the right to a fair trial has been the subject of research by H. Berezhanskyi, V. Horodovenko, I. Hrytsenko, M. Pohoretskyi, S. Pohrebniak, M. Savchyn, N. Sakara, S. Chorna, and others.

In 2023–2025, the issue of the right to a fair trial was studied by the following Ukrainian scholars: Mykola Hnatovskyi – a Ukrainian lawyer and scholar, judge of the European Court of Human Rights, who, since June 2023, has been involved in the consideration of complaints filed by Ukraine against the Russian Federation, as well as those filed against Ukraine. In 2023 Dmytro Luspenyk, Secretary of the Plenum of the Supreme Court, Candidate of Law, Associate Professor, participated in a 2023 panel discussion dedicated to the right to a fair trial in civil proceedings. Nataliia Sakara, Judge of the Civil Cassation Court within the Supreme Court, Candidate of Law, Associate Professor, was a speaker at a 2023 panel discussion on the right to a fair trial. Yurii Prytyka, Doctor of Law, Head of the Department of Civil Procedure at the Educational and Scientific Institute of Law at Taras Shevchenko National University of Kyiv, participated in professional discussions on the issue of fair trial in 2023; Iryna Izarova, Doctor of Law, Professor at Taras Shevchenko National University of Kyiv, Editor-in-Chief of the journal Access to Justice in Eastern Europe, took part in discussions on the issue of fair trial in 2023. Oksana Khotynska-Nor, Doctor of Law, Head of the Department of Notarial, Enforcement Procedure, Advocacy, Prosecution, and Judiciary at the Educational and Scientific Institute of Law at Taras Shevchenko National University of Kyiv, participated in a 2023 panel discussion on the right to a fair trial; Serhii Kravtsov, Candidate of Law, Associate Professor at the Department of Civil Procedure, Arbitration, and Private International Law at Yaroslav Mudryi National Law University, spoke on the topic of the right to a fair trial in 2023. Oksana Uhrynivska, Candidate of Law, Associate Professor at the Department of Civil Law and Procedure of the Faculty of Law at Ivan Franko National University of Lviv, participated in discussions on ensuring the right to a fair trial in 2023.

The purpose of the article is to conduct an in-depth study of the legal nature of the human right to a fair trial and to define its essence as a fundamental element of the legal system that ensures the realization of other rights and freedoms. The research covers an analysis of theoretical approaches to defining this right, its normative enshrinement in international and national law, and the mechanisms for its protection within the framework of the rule of law. Particular attention is given to the substantive components of the right to a fair trial, including guarantees of judicial independence and impartiality, adherence to procedural time limits, equality of parties in legal proceedings, and the effectiveness of legal

protection. A crucial aspect of the study is the assessment of the effectiveness of national legal mechanisms in ensuring this right within the context of international standards derived from the provisions of the European Convention on Human Rights. The analysis of the case law of the European Court of Human Rights (ECtHR) allows for the identification of key approaches to interpreting this right and the criteria applied in assessing compliance with its standards across different legal systems. Special attention is given to the study of ECtHR rulings concerning Ukraine, which makes it possible to identify systemic issues in the implementation of the right to a fair trial within the national judicial system. In particular, the research examines the duration of court proceedings, the accessibility of judicial protection, and the enforcement of court decisions as key elements of judicial effectiveness. Furthermore, the role of constitutional oversight and other institutional mechanisms in ensuring the compliance of judicial proceedings with international standards is assessed. The article also includes a comparative analysis of legal approaches adopted by various European states in ensuring this right, which enables the identification of promising directions for improving the judicial system in Ukraine. Within the context of judicial reform, issues related to enhancing judicial independence, introducing effective mechanisms of disciplinary responsibility, and strengthening legal guarantees of access to justice are explored. The significance of implementing ECtHR rulings into national legal practice is highlighted as a necessary condition for reinforcing the rule of law.

Presenting main material. The right to judicial protection is a mandatory component of a person's subjective right, which can be exercised directly or through the activities of authorized state bodies or organizations. The judicial form of protection is recognized as a superior form of protection of subjective rights, freedoms and legitimate interests compared to other non-judicial forms, which provides all interested parties with maximum procedural guarantees. Therefore, the right to judicial protection is a means of ensuring the possibility of a person to apply to the judiciary for the protection of his or her rights and legitimate interests as provided by law [3, p. 162].

This subjective right provides that everyone is guaranteed protection of their rights, freedoms and legitimate interests by an independent and impartial court. The right to judicial protection can be properly realized only if there is an effective mechanism of judicial protection [4, p. 39].

Thus, judicial protection is a priority legal guarantee of protection of human and civil rights and freedoms, which is enshrined in our country at the highest legislative level. Part 1 of Article 55 of the Constitution of Ukraine provides: “Human and civil rights and freedoms shall be protected by the courts”. According to part 4 of the said article, in case of exhaustion of all national legal remedies, everyone has the right to apply for protection of their rights and freedoms to international judicial institutions or to the relevant bodies of international organizations of which Ukraine is a member or participant, for example, the ECHR.

The jurisdiction of the courts extends to any legal dispute and any criminal charge (Article 124(3) of the Constitution of Ukraine). In Ukraine, the court performs an important function of protecting human and civil rights and freedoms, which is the main content and meaning of the judiciary in general. At the same time, judicial protection of rights and freedoms is an independent function of the state, as evidenced by the normative interpretation of the provisions of the Basic Law, in particular, part 2 of Article 3 states: “Human rights and freedoms and their guarantees determine the content and direction of the state's activities. The state is responsible to the individual for its activities. Affirmation and ensuring of human rights and freedoms is the main duty of the state”; and part 3 of Article 8 of the Constitution of Ukraine guarantees the right to apply to the court for protection of constitutional rights and freedoms of a person and citizen directly on the basis of the Constitution of Ukraine [5].

The enshrining of the right to judicial protection in the Constitution of Ukraine is the result of the implementation of international legal norms proclaimed in international acts and must be faithfully implemented.

The protection of human rights and freedoms by the court can be viewed as a norm whose implementation is conditioned by a number of imperative requirements: granting access to justice; prohibition of denial of justice; protection of not theoretical and illusory possibilities, but a specific, real

and valid right of access to court; the level of access to court should be sufficient to protect this right, the possibilities should be clear and specific so that in case of non-compliance there is a possibility of challenging them; the obligation of the State to ensure the effectiveness of the right of access to justice; establishment and guarantee of the right to judicial protection.

According to A. Luzhansky, the specificity of judicial protection is that its effectiveness is much higher compared to other, non-judicial means, because: first, out-of-court defense is actually a request or proposal to voluntarily or through administrative control to eliminate the violation and eliminate its negative consequences and is based on the presumption of proper and good faith behavior of the offender; secondly, court proceedings are the only final legal means of resolving a legal conflict; thirdly, when considering a particular case, the court has the right to exercise preventive influence in the form of binding individual rulings (resolutions) to prevent the occurrence of causes and conditions that led to the violation of rights in the future; fourthly, court decisions that have entered into force are usually final in nature; enforcement of a court decision on issues of fact or law is ensured by state coercion [7, p. 45].

In the course of administration of justice, the court must ensure the protection of the entire range of personal, socio-economic, political rights and freedoms. Based on this, judicial protection is the highest guarantee of human and civil rights and freedoms, and the right to judicial protection is the opportunity provided by law for every person to apply to the judiciary for protection of violated rights, freedoms and legitimate interests. Justice is recognized as the most effective way to protect human and civil rights and freedoms [8, p. 28–29].

The current conditions of our country's integration into the European Union (hereinafter – the EU) require the adoption of a number of international legal obligations to respect and protect human rights, in particular, the protection of the human right to a fair trial, which leads to the harmonization of national legislation with European standards in the field of administration of justice for the effective protection of human, increased access to justice and fair trial.

In order to improve national standards of judicial system and judicial proceedings and to ensure the human right to a fair trial, on February 12, 2015, the Verkhovna Rada of Ukraine adopted the Law "On Ensuring the Right to a Fair Trial" [9], which provided for amendments to a number of provisions of the procedural legislation of Ukraine and made the right to a fair trial one of the basic principles of the administration of justice.

Despite the detailed consolidation of legal guarantees of the state in protecting the right to a fair trial at both the national and international levels, the practical implementation of these guarantees in real life is associated with a number of real obstacles, in particular, imperfections in the current national legislation, limited capacity of courts in terms of the number of cases under consideration due to physical inability to process them and ensure a fair, objective and comprehensive consideration of the case to all interested parties, and thus ensure due process.

Thus, there is an extremely important need for national courts to comply with the Convention and apply the case law of the European Court of Human Rights to prevent Ukraine from violating its obligations. The highest standards of justice are realized in the activities of the ECHR. The real involvement of the court in the protection of human rights is one of the main features of the rule of law. The universal nature of access to justice is emphasized in a number of major international legal documents. Given that the right to judicial protection is included in the list of rights protected by the Convention, it is advisable to highlight those elements that are mandatory in the understanding of the ECHR case law [2].

Based on the construction of paragraph 1 of Article 6 of the Convention, it can be argued that it enshrines the following elements of the right to a fair trial: 1) the right to a trial; 2) the right to a fair trial; 3) the right to publicity of the trial and pronouncement of the judgment; 4) the right to a reasonable time for the trial; 5) the right to a trial by a court established by law; 6) the right to independence and impartiality of the court.

The ECHR case law shows that if a person does not have the right to access justice, the right to a fair trial loses its meaning. Thus, access to justice is primary to the right to a fair trial.

Accessibility of justice can be interpreted as one of its principles, i. e., it is an opportunity for everyone who wishes to freely and unhindered, on equal terms, to use judicial protection to ensure their rights, freedoms and legitimate interests. In addition, access to justice is also considered as a certain standard, which should include institutions that provide a real opportunity for a person to go to court to protect their rights, create mechanisms for the protection of all human rights, guarantee that the procedure for consideration of the case will be fair and the restoration of violated rights will be effective, eliminate financial obstacles, obtain legal assistance, etc.

Thus, access to justice should be understood as a real opportunity for a person to apply to court for protection of his/her rights, freedoms or legitimate interests guaranteed by the state and ensured by effective legal mechanisms.

The court, administering justice on the basis of the rule of law through the adoption of a just court decision in a particular case, ensures everyone the right to a fair trial. This view seems to be based on an idealistic perception of fairness as the substantive essence of justice. Therefore, it is quite natural to assert that in justice, justice appears as the essence, purpose and criterion of effective judicial proceedings as a form of justice. Therefore, the main purpose of legal proceedings is to achieve justice, i.e. to administer justice, and a fair trial (i. e. a trial) is, accordingly, perceived as a fair trial [11, p. 5].

According to S. Shevchuk, in the Western constitutional doctrine, the development of the right to a fair trial is inextricably linked to the concept of due process of law, which the scholar proposes to understand as "the application of law by the judiciary (courts) in accordance with the legal principles and procedures established and authorized by the State to guarantee and protect constitutional human rights and fundamental freedoms" [12, p. 231–232].

The right to a fair trial has always attracted considerable attention in the ECHR case law. As the Court noted in the case of Delcourt v. Belgium: "In a democratic society, as that term is understood by the Convention, the right to a fair administration of justice is of such prominence that a limited interpretation of paragraph and Article 6 would not be consistent with the object and purpose of the provision" [13].

It is important to note that fair trial standards are not constant and may change over time under the influence of societal development. Accordingly, there is no definitive list of components of a fair trial, including: timely notification of the court hearing, adequate time to prepare for the trial, the opportunity to familiarize oneself with the case file, the right to be heard in court before a decision is rendered, the necessary legal assistance, the right to call and cross-examine witnesses, appropriate requirements for improper evidence and arguments, etc.

Before considering the specific aspects of the right to a fair trial, as defined in the case-law of the ECtHR, it is necessary to note that the scope of Article 6 is not limited to court hearings. In the above case, the trial of the case is considered as the culmination of an adversarial process. It is the fairness of this process that is the key value underlying the provisions of the said Article and the Convention as a whole. Thus, any actions or decisions that go against the criteria of fairness at any stage of the process may call into question the fairness of the trial as a whole. Thus, in the case of Saunders v. the United Kingdom, the ECtHR sought to determine whether the prosecution's use of the evidence obtained by the auditors from the applicant constituted an unjustified violation of this right. The Court had to examine this issue in the light of all the circumstances of the case [14]. Therefore, in this case, there was a violation of the right not to incriminate oneself at the stage of the pre-trial investigation and was reflected in the recognition of a violation of the principle of fairness in the final trial.

In addition, it should be noted that the effect of the guarantees of fairness in Article 6 of the Convention does not end with the final judgment in the case. The Preamble to the ECHR proclaims the principle of the rule of law as a common heritage of the traditions of the High Contracting Parties, one of the fundamental aspects of

which is the principle of legal certainty, which requires that a final judgment must not be called into question. The latter is based on the rule of res judicata (Latin for "res judicata"), known since Roman law, according to which a final judgment that has become final is binding on the parties and cannot be reviewed.That is, this principle guarantees the finality of decisions, and no party has the right to request the revision of a final and binding judicial decision for the sole purpose of rehearing and deciding the case anew.

The power of the higher courts to review cases should be used to correct judicial errors and wrongful decisions, and not to conduct a new examination of the case. The review of a case cannot be considered as a disguised appeal, and the mere possibility of two views on the same issue does not constitute a basis for a new examination of the case. Deviation from this principle is possible only when it is caused by independent and irresistible circumstances (Driza v. Albania [15]).

The principle of legal certainty has various manifestations. In particular, it is one of the defining principles of "good governance" and "proper administration" (establishing a procedure for its observance), partially coincides with the principle of legality (clarity and predictability of the law, requirements for the "quality" of the law) [16, p. 62].

Violation of the principle of res judicata occurs when, contrary to the norms of national legislation, courts accept for consideration complaints of persons who do not have the right to appeal court decisions, and subsequently cancel such decisions based on the results of consideration of these complaints. For example, in the case "Industrial Financial Consortium Investment v. Ukraine" [17], a review based on newly discovered circumstances was carried out upon the application of persons who did not participate in the initial proceedings and, therefore, could not, under the legislation in force at the time of consideration of the case, apply to the court.

Conclusions. The results of the study on the effectiveness of legal mechanisms of the European Court of Human Rights (ECtHR) in ensuring the right to a fair trial have shown that the Court plays a fundamental role in shaping a unified European legal space, focused on the establishment of the rule of law and the provision of proper justice standards. The ECtHR not only performs the function of individual protection for applicants whose rights have been violated but also fulfills an important systemic role, establishing universal legal standards for the judicial organs of the Convention's member states. The analysis of the ECtHR's practice reveals consistent yet flexible approaches to interpreting the right to a fair trial, allowing it to be adapted to the socio-legal realities of each country. Specifically, the Court has developed criteria for assessing whether national judicial procedures comply with the standards of the Convention, including key aspects such as the independence and impartiality of the judiciary, adherence to the principle of "a court established by law", the provision of equality of arms in proceedings, access to justice, and the enforcement of judgments. Despite this, a significant number of cases brought before the Court highlight systemic defects in national judicial systems that continue to cause new human rights violations. The issue of the ECtHR's effectiveness is directly linked to its ability to respond promptly to the growing number of complaints received from applicants across different jurisdictions. The Court is compelled to operate under significant workload, which affects the speed of proceedings and may negatively impact access to justice for applicants. In this context, optimizing the Court's procedures is crucial, particularly through improving communication mechanisms with parties, applying expedited procedures, and expanding opportunities for resolving disputes at the national level before they reach the ECtHR's jurisdiction. A key condition for the effectiveness of the ECtHR's legal mechanisms remains the level of implementation of its judgments at the national level. The enforcement of the Court's decisions holds not only legal but also political significance, as it demonstrates the willingness of states to comply with international legal obligations. Ignoring or merely formalistically implementing these decisions without addressing the underlying causes of violations undermines the legitimacy of the international human rights protection system. One of the key challenges remains finding effective mechanisms for monitoring and

enforcing the execution of the ECtHR's decisions, particularly through strengthening the role of the Committee of Ministers of the Council of Europe, which oversees the implementation of the Court's rulings.

In modern times, it remains important to continue the process of harmonizing national judicial systems with the ECtHR's legal standards, which requires both legislative reforms and enhancing the legal culture of the judiciary. The introduction of a preventive justice system, which would allow for the identification of potential violations of the Convention at early stages of judicial processes, could significantly reduce the number of violations that end up being reviewed by the ECtHR. An important aspect that affects the Court's effectiveness is its ability to adapt to new challenges, particularly the increasing number of cases related to digital rights, artificial intelligence, and technological threats to justice. The ECtHR must expand its jurisprudence in the area of the right to a fair trial in the context of digital transformation, which requires new approaches to evidence assessment, transparency of algorithmic justice, and the protection of human rights in the virtual environment.

Thus, the ECtHR remains one of the most important guarantees for upholding the right to a fair trial in Europe. However, its effectiveness largely depends on the political will of the member states to enforce its judgments and integrate its standards into national legislation. Further scientific research in this field should focus on developing innovative mechanisms for implementing the Court's decisions, assessing their actual impact on judicial systems in various countries, and identifying strategies to minimize systemic violations of human rights in judicial processes.

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ЕФЕКТИВНІСТЬ ПРАВОВИХ МЕХАНІЗМІВ ЄВРОПЕЙСЬКОГО СУДУ З ПРАВ ЛЮДИНИ НА СПРАВЕДЛИВИЙ СУДОВИЙ РОЗГЛЯД: АНАЛІЗ ЧЕРЕЗ ПРИЗМУ ПРАКТИКИ ДІЯЛЬНОСТІ СУДУ

Стаття присвячена комплексному аналізу правової природи права людини на справедливий судовий розгляд, дослідженню механізмів його нормативно-правового забезпечення та ефективності реалізації крізь призму судової практики Європейського суду з прав людини. Особлива увага надається системному тлумаченню зазначеного права в контексті міжнародних стандартів правозахисної діяльності та його кореляції з національними правопорядками держав – учасниць Європейської конвенції про захист прав людини і основоположних свобод. У статті здійснюється доктринальне дослідження змісту права на справедливий судовий розгляд, визначається його місце в ієрархії основоположних прав людини, а також доводиться його абсолютний характер у контексті сучасної концепції прав людини. Це право є одним із ключових елементів верховенства права, що гарантує доступ до ефективного судового захисту та забезпечує баланс між публічними й приватними інтересами в правовій державі.

Значну увагу присвячено аналізові ролі судової влади як основного гаранта реалізації зазначеного права, водночас судовий захист розглядається не лише як інструмент відновлення порушених прав, а й як структурний елемент механізму правосуддя, що визначає демократичні засади функціонування державного апарату. Судова система зобов'язана забезпечувати дотримання комплексу процесуальних гарантій, що унеможливлюють свавільне обмеження прав особи на доступ до правосуддя та об'єктивний розгляд справи. У дослідженні виокремлюються основні структурні компоненти права на справедливий судовий розгляд, серед яких: право на розгляд справи незалежним, безстороннім і компетентним судом; право на забезпечення рівності сторін у процесі та змагальності судового провадження; право на дотримання принципу юридичної визначеності під час ухвалення судового рішення; право на відкритість і публічність судового процесу; право на розгляд справи у розумні строки як неодмінний елемент ефективного судочинства.

Першочерговою умовою реалізації права на справедливий суд є доступність правосуддя, яка проявляється у відсутності дискримінаційних бар'єрів під час звернення до суду, спрощення процедур судового розгляду та наявності ефективних механізмів виконання судових рішень. Доступ до правосуддя є основоположним фактором забезпечення законності в суспільстві, а його обмеження ставить під загрозу ефективність функціонування правової системи. Значну роль у захисті цього права відіграє Європейський суд з прав людини, який у своїй практиці формує високі стандарти справедливого судового розгляду. Визначальним критерієм оцінки правомір-

ності судового процесу Європейський суд з прав людини вважає принцип загальної справедливості провадження, що розглядається крізь призму дотримання процедурних гарантій та матеріальної обґрунтованості судових рішень. Оцінка відповідності судового процесу критеріям справедливості має здійснюватися з урахуванням усієї процедури провадження, а не лише окремих її аспектів. Комплексний підхід до аналізу судових рішень дає змогу уникати формального підходу до правосуддя та забезпечує ефективний механізм захисту прав людини.

Додатково розглядається проблема суперечностей між національними судовими системами та стандартами Європейського суду з прав людини, що іноді призводить до потреби перегляду правових норм на рівні внутрішнього законодавства. Практика Європейського суду з прав людини демонструє, що низка держав стикається з труднощами у виконанні рішень Суду, що негативно позначається на рівні довіри до правосуддя. Важливо підкреслити, що інституційна спроможність національних судових систем має відповідати європейським стандартам правосуддя, забезпечуючи громадянам реальну можливість ефективного захисту своїх прав. Недотримання таких стандартів може призвести до системних проблем у сфері судочинства та масових звернень до Європейського суду з прав людини. У контексті міжнародного права наголошується на потребі гармонізації національного законодавства з вимогами Конвенції, що сприятиме підвищенню ефективності реалізації права на справедливий судовий розгляд. Особливо актуальним це питання є для країн, які перебувають у процесі реформування судової системи та прагнуть посилити її незалежність. Правозахисна роль Європейського суду з прав людини є ключовим чинником забезпечення правової визначеності в судовій практиці. Виконання його рішень є обов'язковим для держав-учасниць Конвенції, а їхнє ігнорування може мати негативні наслідки для міжнародної правової репутації країни.

Ключові слова: ефективність, правові механізми, Європейський суд з прав людини, справедливий судовий розгляд, правосуддя, судова практика, конвенція, права людини, доступ до правосуддя, судова влада, незалежність суду, безсторонність, рівність сторін, змагальність процесу, юридична визначеність.