

Demaludin MUTAPČIĆ, LL.M., Lawyer,
Jelića 1, 71 000 Sarajevo
d.mutapcic@yahoo.com

RIGHT TO A FREE TRIAL IN CASE OF THE VIOLATION OF THE RIGHTS OF EMPLOYEES AS WELL AS THE UNEMPLOYED IN LEGISLATION AND LEGAL PRACTICE

Summary: It is impossible to turn a blind eye to the fact that in every democratic state the right of access to court is an elementary and essential right in “determining civil rights and obligations”. One of the foundations of the principles of the constitution of the Federation of Bosnia and Herzegovina is Rule of Law, in accordance with Article 1.2 of the Constitution of Bosnia and Herzegovina which would be inconceivable without the right to a fair trial, i.e. without the right of access to court.

In the legal practice of Labour Law, and especially in the application of the Labour Law in the Federation of Bosnia and Herzegovina, the question has been raised: does conditioning employees to mandatorily first report the violation of any of the employment rights to their employers limit their “right of access to court” applied to employees as well as the unemployed, contrary to the Article 6, paragraph 1 of the European Convention of Human Rights and Fundamental Freedoms?

Key Words: right of access to court, Rule of Law, exclusion of judicial protection