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# Evolution of Article 6 of the ECHR in Connection With the Integration of Mediation into the Judicial Systems of the ECTHR Countries

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## Abstract

The European Court of Human Rights as a watchdog of procedural justice in human rights matters at the domestic level is conceivably the strongest and best functioning supranational human rights adjudicating body in the world. Caseload and the inability of the judicial system to identify the ethical and psychological elements of the dispute as well as excessive formalisation and bureaucratisation of the legal system have led to the popularity of mediation as an alternative solution to disputes. The majority of mediation models installed in a court system have some compulsory features. This leads to a rethinking of both the concept of "access to justice" and the principle of voluntariness of mediation. Firstly, the issue of violation of the right to access to court arises because of people who want to go to court, not seeing the prospect of the mediation procedure. Secondly, the fundamental principle of mediation is its voluntariness, which is violated by the institution of compulsory mediation. There is a perception that the outcome of a dispute and its capacity for negotiated resolution depends on such factors that are harder to identify, such as the wealth of the parties, the likely post-judgment history, or the need for authoritative interpretation of law, than the subject matter of the particular dispute so it is hard to clearly delineate disputes suitable for mediation and those that should be adjudicated.

**Keywords:** access to justice, mediation, ADR, ECHR, human rights