

GLOBAL LAW AT READING (GLAR)

THE GHANDHI
RESEARCH SEMINAR SERIES
2018-2019



PAPER ABSTRACT

Dr Veronika Fikfak (University of Cambridge)

Wednesday 28 November 2018, 13:00-14:00, Foxhill House 1:04

Chair: Dr Ruvi Ziegler

Compensating Human Rights Violations: Damages before the European Court of Human Rights

When individuals are mistreated by European governments, the European Court of Human Rights is responsible for reviewing state actions under the European Convention of Human Rights. If the individuals are successful in proving a violation, the ECtHR may award them damages for the treatment suffered. Whilst domestic courts of the 47 Council of Europe (COE) Member States, over which the Court has jurisdiction, usually award damages on the basis of scales that are public, this is not the case with the ECtHR. The Court sets out no rules or guidelines as to when individuals are likely to get compensation; it also does not explain which elements of their treatment applicants should emphasise nor how much they should ask for. For many practitioners, the current practice of the Court appears arbitrary and opaque.

In her talk, Dr Fikfak will present the patterns revealed in the ECtHR case law. Building on her empirical quantitative and qualitative study of the last ten years of case law relating to just satisfaction, she will talk about the legal principles which can be discerned from the practice of the Court and critically assess the Court's role in awarding compensation for human rights violations.