

1. Record Nr.	UNINA9910255188503321
Titolo	Damages for Violations of Human Rights : A Comparative Study of Domestic Legal Systems // edited by Ewa Bagiska
Pubbl/distr/stampa	Cham : , : Springer International Publishing : , : Imprint : Springer , 2016
ISBN	3-319-18950-6
Edizione	[1st ed. 2016.]
Descrizione fisica	1 online resource (488 p.)
Collana	Ius Comparatum - Global Studies in Comparative Law, , 2214-6881 ; ; 9
Disciplina	323
Soggetti	Conflict of laws Human rights Civil law Private International Law, International & Foreign Law, Comparative Law Human Rights Civil Law
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Description based upon print version of record.
Nota di bibliografia	Includes bibliographical references and index.
Nota di contenuto	Table of contents -- List of Contributors -- Preface.- Chapter 1. Introduction; Ewa Bagiska -- Chapter 2. Damages for violation of human rights in Croatia; Saša Nikšić.- Chapter 3. Damages for the infringement of human rights - the Czech republic; Veronika Bílková, Pavel Šturma.- Chapter 4. Compensation for Human Rights Violations in Estonia; Ene Andresen -- Chapter 5. Les dommages-intérêts pour violation des droits de l'homme en France; Xavier Philippe.- Chapter 6. Damages for the infringement of human rights in Germany; Andreas Von Arnould.- Chapter 7. Damages for the infringement of human rights by the public authority in Greece; Ioannis Stribis.- Chapter 8. Damages as Compensation for Human Rights Violations in Ireland; Noelle Higgins.- Chapter 9. Litigating human rights violations through tort law - Israeli law perspective; Iris Canor, Haya Zandberg, Tamar Gidron -- Chapter 10. Looking back in anger and forward in trust: the complicate patchwork of the damages regime for infringements of rights in Italy; Graziella Romeo.- Chapter 11. Damages for Fundamental Rights Infringements: Dutch Perspectives; Jessy Emaus.- Chapter 12.

Damages for the infringements of human rights under Norwegian law; Bjarte Thorson.- Chapter 13. Polish domestic remedies against human rights violations and their interaction with 'just satisfaction' awarded by the European Court of Human Rights; Michal Balcerzak.- Chapter 14. Damages for violations of human rights – the Portuguese legal system; Maria José Rangel De Mesquita.- Chapter 15. Monetary compensation for violation of human rights and fundamental freedoms in Slovenia; Samo Bardutzky.- Chapter 16. Special compensation regimes for violations of human rights in Turkish law: a fast track remedy or no remedy at all?; Zeynep Oya Usal Kanzler.- Chapter 17. Damages for violations of human rights law in the United Kingdom; Merris Amos. - Chapter 18. Damage remedies for infringements of human rights under U.S. law; Jacques deLisle.- Chapter 19. Action for damages in the case of infringement of the fundamental rights by the European Union; Nina Pótorak.- Chapter 20. Damages for violations of human rights: a Comparative analysis; Ewa Bagiska.- Appendix- National Reports Questionnaire -- Index.

---

Sommario/riassunto

This volume analyses the legal grounds, premises and extent of pecuniary compensation for violations of human rights in national legal systems. The scope of comparison includes liability regimes in general and in detail, the correlation between pecuniary remedies available under international law and under domestic law, and special (alternative) compensation systems. All sources of human rights violations are embraced, including historical injustices and systematical and gross violations. The book is a collection of nineteen contributions written by public international law, international human rights and private law experts, covering fifteen European jurisdictions (including Central and Eastern Europe), the United States, Israel and EU law. The contributions, initially prepared for the 19th International Congress of Comparative law in Vienna (2014), present the latest developments in legislation, scholarship and case-law concerning domestic causes of action in cases of human rights abuses. The book concludes with a comparative report which assesses the developments in tort law and public liability law, the role of the constitutionalisation of the right to damages as well as the court practice related to the process of enforcement of human rights through monetary remedies. This country-by-country comparison allows to consider whether the value of protection of human rights as expressed in international treaties, *ius cogens* and in national constitutional laws justifies the conclusion that the interests at stake should enjoy protection under the existing civil liability rules, or that a new cause of action, or even a whole new set of rules, should be created in national systems.

---