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Proving discriminatory violence at the European Court of Human Rights

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Stellingen behorende bij het proefschrift:

Proving Discriminatory Violence at the European Court of Human Rights

van Jasmina Mačkić

1. In cases where it is alleged that State agents inflicted discriminatory violence, the European Court of Human Rights ought to develop an understanding of discrimination that moves toward a substantive equality model.
2. External actors, including intergovernmental organisations and NGOs, ought to play a more active role in assisting the European Court of Human Rights in the establishment of facts under all three types of complaints concerning discriminatory violence.
3. The application of the standard of proof 'beyond reasonable doubt' by the European Court of Human Rights does not pose an obstacle to finding that violations have taken place in the context of discriminatory violence.
4. In cases where it is alleged that State agents inflicted discriminatory violence, the European Court of Human Rights ought not to require proof of a discriminatory motive before establishing a *prima facie* case. Instead, it should require proof of a discriminatory effect of domestic legislation or State policy conditioning discriminatory violence in a Member State or proof of a discriminatory attitude on the part of State agents around the time that the violence was inflicted.
5. Statistics and reports from intergovernmental organisations and NGOs should be used as evidence before the European Court of Human Rights, however, only if they live up to clear quality requirements.
6. In a Europe that is progressively being dominated by populist views, the European Court of Human Rights ought to display courage and run counter to the mainstream.
7. The European Court of Human Rights' 'alarm bell' function must not be overlooked.
8. The European Court of Human Rights should not ignore issues related to disadvantaged groups, not only for the sake of exposing the flaws existing in the governance of a Member State in that context, but also in order to write down the history of these groups.
9. Being a member of the 'other' is actually a privilege, as it teaches you the true meaning of life.
10. Societies should resemble a Mondriaan painting, representing equality, harmony and unity.
11. The future of the world lies in the hands of good lecturers, who are now faced with a special task to teach students to think critically and be sceptics.
12. "Nothing great in the world has been accomplished without passion" (Georg Wilhelm Friedrich Hegel).

