

# Unrecognized Rights – Dealing with the lack or neglect of evidence in racist police violence cases

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## The Problem

Abuse of racialized minorities by police officers is a serious form of discrimination which has devastating effects on the individual victims, their communities, and society as a whole. The injustice is clear, yet at the European Court of Human Rights, where several cases of racist police violence have been adjudicated, the discrimination claims are still often rejected, unexamined or assessed only in their procedural aspect.

**A normative claim of this PhD project is that leaving the discrimination element of these cases unacknowledged creates an accountability gap and leaves victims of the abuse and their communities without full justice.**

## The Research

The starting point of this PhD project is that the evidentiary requirements may create challenges to prove the discrimination element of the applicants' claims. While from a sociological perspective demonstrating the presence and systemic nature of institutional racism is relatively easy, courts often reject these findings as for example not sufficiently linked to the individual applicant. The main questions of this PhD research are:

- *What are the evidentiary challenges to proving the discrimination element of racist police violence cases?*
- *What types and combination of evidence may be able to lead to recognition of the systemic discrimination in these individual cases?*

**The aim of this PhD project is to explore how accountability for systemic discrimination can be strengthened through strategizing evidence in international human rights adjudication.**

The study relies on empirical methods to collect and analyze the experience of judges, legal practitioners, and researchers who have been involved in the litigation and adjudication process of racist police violence cases. Furthermore, it analyzes judgments and other documents connected to the cases also as empirical materials, meaning that the focus is not primarily on the law, but the wider contexts of its application and effects. These methods are used both to map difficulties in evidencing discrimination and to explore how these obstacles might be overcome.

**The desired outcome of the PhD project is a dissertation with practical benefits to researchers and legal practitioners in collecting, producing, using, and assessing evidence to combat violent instances of racial discrimination by state agents.**

## The Methods



Do you want to know more or exchange thoughts?



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