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## “STATE LIABILITY FOR DAMAGE CAUSED BY INADEQUATE CONDITIONS IN PRISONS”

*Summary:* The subject of this paper is the liability of the state for damages caused by the violation of the right to dignity of prisoners due to inadequate conditions in prisons. In the first part of the paper, the standards derived from supranational and national legal sources are presented, through the interpretation of which the extensive case law of the European Court of Human Rights (European Court, Court) and the Constitutional Court of the Republic of Croatia have shaped the minimum standards for the protection of the dignity of persons deprived of their liberty.

In case of non-compliance with the above-mentioned minimum standards, the state acts unlawfully and the injured party (in the language of the Convention for the Protection of Human Rights and Fundamental Freedoms (Convention), the victim of the violation) acquires the right to compensation for the damage caused by the violation of the right to dignity. Based on the decisions of the European Court and the Constitutional Court of the Republic of Croatia, an attempt is made to show which issues of compensation and damages have been disputed so far. The criteria used by the European Court in deciding just compensation based on Article 41 of Convention will be briefly presented, as well as the decisions of this court in judgments against the Republic of Croatia.

Examples of decisions of the Constitutional Court of the Republic of Croatia finding a violation of the detainee's right to dignity are then given, and the issues that arise after such decisions in terms of responsibility for the harm inflicted on them are analyzed.

Since it is the same violation and damage, regardless of whether the violation of the right to dignity was established by the European Court or the Constitutional Court, the authors state that the legal position of the persons affected by the violation should be comparable, i.e. the amount of compensation that regular Croatian courts should award in these cases must be comparable to that awarded by the European Court in judgments against the Republic of Croatia.

**Keywords:** human rights; dignity; damage; prisoners; just compensation; European Convention for the Protection of Human Rights and Fundamental Freedoms