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The only applicable judicial avenue which can be sought in cases where the State fails to provide effective access to justice or an effective remedy is the filing of a case claiming violation of a fundamental human right. In this regard, consideration should be given to a recent judgment of the Constitutional Court in its appellate jurisdiction, wherein the Court ruled that the State had a positive obligation to safeguard and uphold a plaintiff's human right to life and not to be subject to domestic violence^[1]. The Court stated that she had been deprived of an effective remedy. Possibly this could be extrapolated to the field of environmental law through a broad interpretation of the right to life and/or the right to the enjoyment of property and family life.

With regard to penalties for disregarding court orders and judgments, these are referred to in Article 997 of the Code of Organisation and Civil Procedure (Chapter 12). This states that in proceedings for any act or omission amounting to contempt of court, the offender shall, on conviction, be liable to imprisonment for a term up to one month or to a fine of not less than two hundred and thirty-two euros and ninety-four cents (232.94) but not more than two thousand and three hundred and twenty-nine euros and thirty-seven cents (2,329.37) or to both the fine and imprisonment.

[\[1\]State found guilty of failing to protect woman from abuse](#)

■ Last update: 28/07/2021

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