

How the European Court of Human Rights' *Storck* and *Buck* Judgments Impact German Courts: Debates on the Protection of Private Life and Home

Fort Fu-Te Liao

Institute of Law, Academic Sinica
No. 128, Sec. 2, Academia Rd., Taipei 11529, Taiwan
E-mail: ftliao@sinica.edu.tw

Abstract

This paper probes the right to respect for private life and home by reviewing two cases: *Storck v. Germany* and *Buck v. Germany*. It also examines how the judgments of the European Court of Human Rights impact the German courts. This paper disagrees with part of the *Storck* judgment in which it was decided that the placement of the applicant in a psychiatric hospital in 1981 did not violate her right to private life. However, it considers the other parts of both judgements as positive right protectors. This paper argues that in these judgments, the applicants did not always receive full compensation. In one of the cases, the applicant was not even granted a monetary compensation as such needed to be enforced through the domestic courts, which would most likely be a long difficult road with much uncertainty. The judgments of the European Court guide the amendment of domestic laws; they also urge for a meticulous application of ECtHR rulings and domestic laws at the national courts.

Key Words: private life, right to respect for his home, European Court of Human Rights, *Storck v. Germany*, *Buck v. Germany*