



EUROPEAN COURT OF HUMAN RIGHTS  
COUR EUROPÉENNE DES DROITS DE L'HOMME

## **Annual Forum of the Superior Courts Network (SCN)**

Opening speech by Robert Spano

*Strasbourg, 10 June 2021*

Good morning to everyone and a very warm welcome to today's SCN Forum, to all participants present in the Room and to those connected online.

I am really delighted that this year the Court has been able to return to a physical format, although not all of you have been able to come, and luckily, we have you under a virtual roof.

I would like to welcome Christos Giakoumopoulos from the Directorate General of Human Rights and Rule of Law of the Council of Europe who will take part in this morning's opening and to thank Judge and Section President Gabriele Kucsko-Stadlmayer and the Section Registrar Hasan Bakirci who will be chairing the morning and afternoon sessions. I would also like to pay specific thanks to the Jurisconsult's team who work so hard in managing the network and in putting together the Forum so successfully: Onur Andreotti, Rodica Gonta, Cati Eby and Isabelle Wendling.

I am very pleased to be able to tell you that nine superior courts have joined the network since June 2021, from seven states. You will recall that some of those courts participated to last years' Forum as observers:

Constitutional Court of Malta  
Supreme Court of Ireland  
Supreme Administrative Court of the Slovak Republic  
Supreme Court of Sweden  
Supreme Administrative Court of Sweden  
Supreme Court of Estonia  
Constitutional Court of Lithuania  
Supreme Court of Finland  
Supreme Administrative Court of Finland

This brings our total to 102 superior courts from 45 States. A truly remarkable number. We have more than 150 participants for today's Forum. I would like to warmly welcome firstly the newest members, and also an international court who is now an observer of the SCN: the Court of Justice of the European Union. Indeed, Mr William Valasidis, Director of communication of the Court of Justice of the European Union will contribute to the debates today.

I would furthermore welcome Prof. Dr. Luc Lavrysen, the President of the Belgian Constitutional Court, who has honoured us with his presence at today's Forum.

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Dear members, human rights, democracy, rule of law - the three pillars of Council of Europe, are not values that are acquired once and for all; they must be preserved permanently and every day.

The judicial endeavour is certainly one of the most important safeguards for that preservation. Let me underline once again that such endeavour would not be realistic without strong, independent and impartial domestic courts which function within a national system that is governed by the rule of law.

As we know, member States to the Council of Europe are first and foremost responsible for the effective implementation of the international human rights norms they have voluntarily signed up to.

By reason of their direct and continuous contact with the vital forces of their countries, the domestic authorities are better placed than an international court to assess the multitude of factors surrounding each case: it is therefore primarily for domestic judges to identify and afford redress for possible infringements of human rights in each particular case.

Today, the Convention is incorporated, and to a large extent, embedded into the domestic legal order of the States Parties, and the Court has provided a rich and comprehensive body of case law interpreting most Convention rights. This enables the States Parties, and in particular domestic courts, to play their Convention role of ensuring the protection of human rights to the full.

Enhancing dialogue with domestic courts is a crucial aspect of the work of the Court, and one which it puts into practice through different means. SCN is a robust tool for the principle of subsidiarity and the continuous and structured dialogue between European Court of Human Rights and national superior courts.

SCN is today an indispensable means to create the largest community of European human rights judges who, each and every one of them, act as 'Strasbourg' judges at the domestic level when faced with disputes implicating Convention rights.

SCN is really "subsidiarity" in action, through the human contact it facilitates between all of us and the substantive knowledge sharing and exchanges it enables thanks to its various features and notably the Knowledge Sharing platform.

As you know, we are constantly reflecting on how to increase the added value of the network and ensure its relevance and sustainability.

Firstly, our plans to externalise the Court's Knowledge Sharing platform are being implemented, and we target the end of 2022 for the launch of the platform in both official languages of the Court: French and English.

We believe this free access for judges and lawyers at all levels would genuinely transform the dissemination of the knowledge about the Court's case-law. The plan then in the coming years is to duplicate it in a number of non-official languages, depending on available resources.

Secondly, I have instructed Directorate of the Jurisconsult to initiate contacts for the establishment of a centralised system for enhanced cooperation and dissemination of case-law knowledge with Council of Europe bodies under the auspices of the Jurisconsult. Indeed, the Knowledge Sharing development programme includes many areas that we name "transversal themes", such as Social Rights, Domestic violence - which is one of our discussion topics today-, Minority Rights and so on. These are also areas of expertise of some Council of Europe monitoring and advisory bodies, such as the European

Committee of Social Rights or GREVIO...This initiative aims to achieve structured and mutually beneficial knowledge sharing on substantive matters between Council of Europe bodies and the Court by using the KS platform.

That will create stronger and more structured bonds between the Court and other CoE bodies, also for the benefit of the members of SCN.

Thirdly, building on existing exchanges, we are considering starting talks with the Inter-American Court of Human Rights and the African Court of Human and People's Rights in view of their possible participation in the SCN with observership status on the same footing as the CJEU. This will allow us to further broaden the scope of knowledge sharing and inter-court dialogue, consolidate and provide structure to our relationships, also for the benefit of the SCN members.

This is all ongoing work.

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Now, let's turn to today's Forum.

The Forum is the most important event in the SCN's calendar which brings together all our focal points, and for the fifth time this year.

One of the themes for today's meeting is domestic violence. Addressing the scourge of domestic violence is a shared challenge among all member States. The judiciary's role is part of the bigger picture with a variety of actors who need to take part in the effort to eradicate that scourge. You will discuss the issue today from the perspective of the European Court of Human Rights and the Council of Europe, as well as the perspectives of the domestic courts.

The second session will focus on an exchange on the know-how of our courts on the judicial communication. The titles of your interventions are telling: the communication policy of the judiciary is a manner to secure the public participation to and information on the judicial process, and can be an effective means to increase the citizens' trust in the administration of justice.

I would like to thank all the speakers for their participation to the two sessions of our Forum today.

Let me conclude by reiterating that the Convention system is a *collective* enforcement of human rights and the SCN has the capacity to be a real game changer on the implementation of Convention principles at the domestic level. I can only encourage you to make the best possible use of it.

Thank you and I wish you a very successful day of discussions.