



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

Superior Courts Network

**A network that evolves
and adapts**

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

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Superior Courts Network

A network that evolves and adapts

The importance of the dialogue between the Court and national courts continues to be highlighted, including through the Superior Courts Network (SCN), aimed at ensuring an exchange of information on Convention case-law as a means of developing an enhanced understanding of their respective roles in carrying out their shared responsibility for applying the Convention¹.

The SCN continues to grow, in terms of both the expansion of its membership and the increasingly fruitful exchanges through its activities. It ends 2020 with ninety-three member courts in forty States, the latest addition being the German Federal Constitutional Court.

The SCN and the challenge of the pandemic

The pandemic that marked 2020 worldwide also prevented the SCN from holding its traditional annual Forum. Some rapid adjustments led to the creation of a new meeting format, in the form of the SCN theme-based webinars. Two webinars were held in 2020: the first, which took place in July, dealt with the topic “Adapting judicial systems to the COVID-19 pandemic and its potential impact on the right to a fair trial”, while the second, in October, focused on “Detention and health”.

As early as April the member courts of the SCN had begun sharing information on Convention-related legal issues arising out of the COVID-19 pandemic. A compilation mainly comprising decisions adapting judicial procedures to the pandemic, and any substantive case-law on Convention issues in the same context, was published on the SCN’s secure site and has been updated regularly with contributions from members.

1. Decision of the Committee of Ministers of the Council of Europe on the occasion of the 70th anniversary of the Convention, at its annual session on 4 November 2020.

This practice, together with the series of webinars organised with the help of funding from the Council of Europe's Directorate General of Human Rights and the Rule of Law (DG1), allowed the SCN to adapt and to continue its activities effectively.

The first two webinars revealed a keen interest on the part of the member courts in this form of online discussion of legal issues that concern them all. Representatives from the member courts participated very effectively in the discussions, whether by taking the floor or contributing questions and comments. The aim of these webinars is to bring the member courts together for shared reflection on a particular Convention-related topic. The Court's role is to provide the framework for the discussions and facilitate them, while experts from the Court and its Registry provide input from the perspective of the Court's case-law. Experts from other backgrounds are also invited to the webinars in order to offer a greater variety of perspectives from different disciplines and to enrich the debate.

An ongoing response to member courts' needs

While adjusting to the changed conditions, the SCN has maintained its existing forms of exchange, and in particular the Knowledge Sharing platform, assistance to member courts in response to specific questions about Convention law ("formal requests"), assistance with searches of the HUDOC database, and members' contributions to the Court's comparative-law activities.

These contributions, which are immensely useful for the Court's comparative work, also constitute a valuable source for the SCN as a whole. The member courts attach particular importance to informal exchanges, through the intermediary of the SCN, on the application of the Convention in each jurisdiction. At the request of the member courts, contributions are therefore compiled and shared within the SCN once the judgment (or decision) which was the subject of the comparative-law research has been delivered.

A survey was carried out which demonstrated the member courts' attachment to all these tools, which have proved their worth and now form part of their day-to-day work. In particular, members stressed the usefulness of the Knowledge Sharing platform, the content of which is constantly evolving, reflecting the development of the Court's case-law. In 2020 almost all the normative clauses of the Convention and its Protocols were covered, and further pages were added on overarching topics concerning several clauses of the Convention.

Previous experience has shown that the member courts have varied needs in terms of access to the Court's case-law. These needs may cover both guidance in navigating the vast corpus of case-law and more fine-tuned technical assistance, to foster a better understanding of the Court's reasoning and methodology.

As to the experience of the past year, it further highlighted the degree of similarity in the issues facing the member courts, and the Strasbourg Court, in implementing Convention values and principles.

In his opening speech for the first webinar, on 10 July 2020, the President of the Court, Robert Spano, focused on the dialogue between the Strasbourg Court and national judicial systems as the bedrock of the Convention system. President Spano stressed that the Court and the national judges formed a "community of judges" with a vital role in ensuring the implementation of Convention values and principles. He addressed the national judges in the following terms:

The international challenges which we all face today are just one more reason to forge closer ties and strengthen cooperation in the European judicial community. We all know that the pandemic has simply come to us over and above already existing tensions within the European legal landscape. We have to now be ever mindful of the crucial importance for independent and impartial judges to secure and uphold the safeguarding and protection of human rights.

The Superior Courts Network, which is a unique body in many ways, will continue its pan-European vocation, developing various forms of cooperation and coordination with the relevant entities of the Council of Europe, but also with other judicial networks with a European vocation.