



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

Superior Courts Network 2019

COUNCIL OF EUROPE



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Superior Courts Network

A unique pan-European network

In 2019 15 new members joined the Superior Courts Network (SCN) which now boasts 86 member courts from 39 Council of Europe member States (including four new States: Andorra, Iceland, Norway and the United Kingdom). The expansion of its membership has been accompanied by its functional development around an increasingly structured knowledge base.

Knowledge Sharing: a new platform for the benefit of its members

A highlight of 2019 was the roll-out to the SCN's members of a new Knowledge Sharing (KS) platform. As announced last year, this "gateway", originally set up for internal use, provides access to comprehensive and up-to-date knowledge on ECHR case-law¹. The Court wished to share this platform with its national partners as soon as possible and this was achieved in June 2019.

The KS platform is designed as a dynamic tool, its content constantly evolving in line with the development of the Court's case-law. The aim for 2020 is to cover all substantive Articles of the Convention and the Protocols thereto, while continuing to develop in addition pages which cover Convention subjects concerning several Articles ("transversal themes").

In the meantime, the SCN members have begun exploring the potential of the KS platform and providing feedback to the Court, thereby assisting its further development. Opening the platform to SCN members will ensure access by these primary Convention actors to up-to-date and contextualised Convention case-law knowledge, a key objective of the SCN.

1. See [Annual Report 2018](#), Chapter 3.

The scaling-up of the platform should help to ensure that Convention law pervades all relevant areas of domestic law, this being the primary condition for the fulfilment of the subsidiarity principle, which underlies the *raison d'être* of the SCN.

Preparations for launching a fully external version of the KS platform are under way. The timing of that roll-out will depend on technical factors and available resources.

A tailored response to member courts' needs

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.

Consequently, going beyond the common knowledge base provided by the KS platform, in 2019 the Court's Registry continued to respond to various requests from SCN members. Questions were put to the Directorate of the Jurisconsult in the form of "formal requests" in reply to which the courts receive a structured list of case-law references. These lists are shared within the network as useful thematic sources.

Study visits to Strasbourg also took place, providing not only a unique opportunity for a better understanding of the functioning and role of the Court's key services but also for further case-law training and presentations. Finally, the Registry also organised online training in the use of research tools or on specific Convention themes.

Comparative-law studies for the benefit of all

The member courts continued to contribute actively to the Court's work on comparative law. These contributions, which are highly useful for the Court's comparative work, now constitute a valuable source for the whole Network. The member courts attach particular importance to exchanging informally, through the intermediary of the SCN, on the application of the Convention in each jurisdiction. Such 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 keynote event: the annual Forum

The 3rd Focal Point Forum of the SCN was held in Strasbourg in June with some 100 participants. It was marked by the launch of the KS platform and by thematic workshops on the Court's case-law. Other highlights included presentations on the collective understanding and implementation of fundamental rights in Europe and the Court's first

experience of Protocol No. 16². Many representatives of the member courts also had an opportunity to meet with the judges of this Court.

The Forum's content is developed each year to encompass more legal themes and to make it more interactive. The desire expressed by member courts to reflect further and jointly on the application of the Strasbourg case-law at domestic level will certainly be taken into account on future occasions.

Sharing the responsibility for implementing the Convention

The SCN is a unique body in many ways: it is focused on the European Convention on Human Rights; its exchanges are of a technical, practical and non-judicial nature; it ensures extensive and up-to-date knowledge sharing; and its membership is extensive, giving it a broad and pan-European vocation.

As President Sicilianos has emphasised, it is extremely important for this Court to have continuous exchanges and dialogue with the superior courts and that is precisely what the SCN is achieving³. It is very often the judgments of the member courts which give rise to applications in Strasbourg. By providing direct access to Convention case-law knowledge and related expertise via the SCN, this Court provides a tangible means by which the superior courts can implement the Convention. The quality of these exchanges, as well as their interactive and multilateral nature, have made the SCN a valuable asset enabling all stakeholders to fulfil their respective roles in sharing their responsibility for implementing the Convention.

2. Protocol No. 16 to the Convention, which came into force on 1 August 2018 in respect of the States which had signed and ratified it, enables the highest national courts and tribunals of the States Parties to ask the Court to give advisory opinions on questions of principle relating to the interpretation or application of the rights and freedoms defined in the Convention or the Protocols thereto.

3. See the [interview with President Sicilianos](#) at the SCN's Annual Forum in June 2019.