



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

Introduction to the Superior Courts Network (“SCN”)

Source and Impetus

The European Court has always placed considerable value on close dialogue with the superior national courts. Successive Presidents have, over the years, fostered this through visits with numerous superior courts of the Contracting States.

In his [address](#) at the Solemn Hearing during the opening of the Court’s Judicial Year in January 2015, President Spielmann underlined the importance he attached to Protocol No. 16, the protocol of dialogue with the highest courts of the Contracting States. Even before its entry into force, reinforcing this dialogue was one of his priorities which explained why the President wished to set up “an information exchange network” which would “enable superior courts to have a point of contact within the Court” through which case-law information could be provided to them, under the supervision of the Jurisconsult. This would be a mutual exchange of respective research resources between courts.

Over the years, the Member States have also expressed their belief that the application of the Convention would be assisted by a more structured and effective dialogue between this Court and the superior courts. This can be seen, notably, in the Declarations following the intergovernmental conferences on Court reform. Following the Brighton conference in 2012, the [Declaration](#) welcomed and encouraged “open dialogue between the Court and States Parties as a means of developing an enhanced understanding of their respective roles in carrying out their shared responsibility for applying the Convention, including particularly dialogues between the Court and the highest courts of the States Parties”. The [Declaration](#) of March 2015, following the Brussels Conference, welcomed “the Court’s dialogue with the highest national courts and the setting-up of a network facilitating information exchange on its judgments and decisions with national courts” and invited the Court to deepen this dialogue further.

The Network was [launched](#) on a test basis on 5 October 2015.

The Test Phase

During the test period we explored the information that could be usefully exchanged, how to manage those exchanges and how to develop the SCN in accordance with respective rules on confidentiality, principles of independence etc.

The test experience was a positive one. Prior to the opening of the Judicial Year on 29 January 2016, the representatives of the European and the French courts met in Strasbourg to take stock and draw conclusions from the test phase. The [SCN Charter](#) and [Operational Rules](#) were drafted. Membership opened and quickly grew. Exchanges began in the summer of 2016, with 2017 constituting the first full year of operations. [Chapter 3](#) of the ECHR Annual Report 2017 outlines in some detail the Networks' activities for that year.

The privileged exchanges in the SCN Intranet

The Strasbourg Court has developed a dedicated website to facilitate the exchanges with member courts, access to which is restricted to the Strasbourg and superior court members ("the SCN Intranet"). Within this space, the member superior courts have privileged access to material not in the public domain such as the Jurisconsult's analytical notes on new decisions and judgments, a weekly selection of notable decisions and judgments by the Directorate of the Jurisconsult as well as research reports on a range of Convention subjects drafted under the supervision of the Jurisconsult. The member courts actively disseminate that information in-house, in compliance with the SCN's Operational Rules. The Strasbourg Court appreciates the contributions by SCN member courts to its comparative work, this constituting a valued source of knowledge about domestic law and practice for the Strasbourg Court.

Beyond such regular exchanges, the member courts can also ask the Registry of the Court specific questions on Convention case-law, responses to which are provided by the Jurisconsult. These replies are the Jurisconsult's sole responsibility and are not binding on the Court in its judicial activity.

Focal Points

Key to the success of the SCN exchanges is the dedication of the Focal Points, both in the Registry of the Strasbourg Court and in the national superior courts, through whom SCN day-to-day exchanges are conducted. They are the motor of the Network, and ensure that the various member courts are brought closer together in a very concrete manner.

The annual SCN Focal Point Forum

The First Focal Points Forum was held in Strasbourg on 16 June 2017. Over fifty Focal Points and other representatives from forty-four member superior courts attended, as did their counterparts in the Registry. The Forum was an important moment in the life of the SCN as it was one of the principal occasions for the Focal Points to meet, take stock and discuss together the functioning and future of the SCN. Such was its success, that it is envisaged to make it an annual event.

Future

Deepening cooperation and dialogue between the Strasbourg and the superior courts remains a matter of priority for the Strasbourg Court, an objective to be pursued through strengthening the SCN and through the operation of the new [Protocol No. 16](#) to the Convention.