



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

Report

Third Focal Points Forum of the Superior Courts Network

6 and 7 June 2019

The third SCN Focal Points Forum was held in Strasbourg on 6 and 7 June 2019¹. 72 courts belonging to the Network, from 34 countries, took part.

In his opening address the President of the Court, Linos-Alexandre Sicilianos, highlighted the value of cooperation between the member courts and the Court, and in particular the contribution of the former to the comparative-law studies.

The President observed that the year's landmark event had been the entry into force of Protocol No. 16 and the Court's first advisory opinion, delivered following a request from the French Court of Cassation, a member of the Network. He expressed confidence in the contribution of Protocol No. 16 to European justice as an area of dialogue and complementarity. The President stressed the relevance of the Network in that context and the importance of the sharing of information within the Network, which had become a major player in the necessary exchanges between the various courts of the member States and the Strasbourg Court.

Angelika Nussberger, Vice-President of the Court, chaired the first session.

During his address M. Lobov, Head of the Human Rights Policy and Co-operation Department in the Council of Europe's DGI², referred among other matters to a joint project being prepared by his Directorate and the Court aimed at facilitating the national courts' access to the tools made available by the Court.

Most of the morning session was devoted to the launch of the Knowledge Sharing platform ("the KS platform"), with discussions in between. The KS platform is a single portal for knowledge concerning the Court's case-law. It centralises, structures and systematically updates that knowledge, on an Article-by-Article basis and also with a thematic ("transversal") focus. With privileged access being given to SCN members, the KS platform has been opened up for the first time to persons outside the Court.

The first reactions from the SCN Focal Points following the presentation of the platform were very positive. They all stressed its obvious usefulness for their courts.

The participants made some initial suggestions regarding the operation of the platform and in particular the search and alert functions. As to the content, initial comments focused on

¹ At the members' request the length of the Forum was extended by half a day in 2019 and its content was enhanced so as to include more substantial and strategic discussions.

² Directorate General Human Rights and Rule of Law.

the possibility of including national case-law concerning the member courts' application of the Court's case-law, as well as on the need for a specific tab for the opinions delivered under Protocol No. 16.

The member courts were informed that online tutorials and training courses were planned in order to assist members in using the platform. A questionnaire would be sent out ahead of the next Forum with a view to obtaining feedback on both the operation and the content of the platform.

The Focal Points stressed the importance of broadening access to the platform for members of their courts, in order to test it more fully. The technical options for widening access beyond the Focal Points were currently being studied.

The Court's Registrar, Roderick Liddell, stressed that the project was still in its early stages and that the aim was to make the KS platform accessible to as many people as possible.

A lunch attended by twenty-five Judges of the Court was followed by some time set aside for free bilateral discussions.

Thematic workshops

Two workshops were held during the Forum, the first on the subject of "ECHR case-law on immigration" and the second on "ECHR case-law on terrorism". The case-law guides on these topics had been published on the SCN's secured website as working documents for the workshops. Lawyers from the Registry with particular experience in these fields presented various aspects of the Court's case-law and answered questions from participants. Both workshops were chaired and moderated by national Focal Points: the first by Frédéric Gosselin, *Conseiller d'État* of the Belgian *Conseil d'État*, and the second by António Manuel Abrantes, legal adviser at the Portuguese Constitutional Court.

In response to the wishes expressed by participants, it was agreed to reflect on adopting a more interactive format for the workshops, designed to facilitate discussions between the member courts with a greater focus on the application of the Court's case-law by the national courts. The national Focal Points would be involved in the reflection process.

Other highlights of the Forum

As a follow-up to the discussions at the previous Forums, two presentations were made by the two Deputy Grand Chamber Registrars of the ECHR:

- A collective understanding and enforcement of fundamental rights in Europe (EU/ECHR), by Johan Callewaert;
- Protocol No. 16 – the Court's first experience, by Soren Prebensen.

These presentations were received with great interest and prompted discussions.

In closing the Forum, Roderick Liddell, Registrar of the Court, welcomed the significant growth in the Network. He observed that the relationship between the Strasbourg Court and the national superior courts was most aptly described as a "partnership", a word which would not have been applicable a few years earlier.

The Registrar emphasised the importance of the KS platform as a new tool, the development of which would require time and financial resources. He referred in that

regard to a project currently being set up by DGI and the possibility of funding by that means.

Lastly, he paid tribute to Lawrence Early, Jurisconsult, who had headed up and guided the work of the Network from the outset and who was about to retire. He also thanked the team within the Jurisconsult's Directorate responsible for managing, monitoring and coordinating the Network.