



**ROUND-TABLE:
RECOMMENDATION (2008)2
OF THE COMMITTEE OF MINISTERS
TO MEMBER STATES ON EFFICIENT DOMESTIC
CAPACITY FOR RAPID EXECUTION OF JUDGMENTS
OF THE EUROPEAN COURT OF HUMAN RIGHTS**

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Presentation by Mr Anders Narvestad
Adviser, Ministry of Justice and Police, Norway

The views expressed are those of the author only.

Dear colleagues and fellow participants to this round-table,

My presentation has been given the title “Experience of Norway of ensuring translation and dissemination of the Court`s case-law and other relevant documents”.

Contrary to what this title may indicate, there exists no general Norwegian routine for translating the judgments by the European Court. What does exist, however, are two other routines that I will briefly introduce you to.

The Court itself distinguishes between judgments of importance level 1, 2 and 3, where those of importance level 1 are the ones which the Court itself considers to make a significant contribution to the development, clarification or modification of its case-law.

The first routine I mention is that all judgments of importance level 1 are being summarized in Norwegian and that these summaries are made available to the public.

You should, I hope, right now have an example of one of these summaries in front of you. It is the one with the number 1 marked in the upper right corner. Being in Norwegian, the summary will of course be utterly incomprehensible to you, but I think it still gives you an idea of how this works.

As you can see, the summary consists of three sub-parts: a summary of the facts of the case, a summary of the parties` submissions and a summary of the Court`s own reasoning. In addition there is an overview of references to other relevant case-law. The length of the Norwegian summary varies from case to case, but they are in general as the one you have in front of you or, sometimes, a little shorter.

The summaries are accessible at Lovdata. Lovdata is the principal internet source for legal information in Norway and is widely used by all who practice law, including lawyers, civil servants and judges. There are several ways to access the summaries; the one I find most rewarding myself, is to go directly from the relevant article in the Convention, to the summary of relevant cases. There is an elaborate system of electronic cross-referencing.

The rationale behind producing the summaries is to provide users with enough information for them to do the necessary legal research on their own. By being presented with the facts of the case and the Convention articles relevant to it, the user has enough information to go to the Court`s own HUDOC database. The summaries are available for anyone for free the first year – after this, you have to be a paying customer of the database in order to access them. Normally, any lawyer, as well as judges and civil servants, have the necessary access.

The summaries are produced not by the Ministry of Justice, but by the Norwegian Centre for Human Rights. This center holds the position of National Human Rights Institution and sorts administratively under the University of Oslo. Although a few years back, it was the Ministry of Justice that took the initiative for the production of the summaries, it is now the foundation Lovdata that finances it. I have been informed that the Centre for Human Rights uses one of its own lawyers plus one or two law students to make these summaries.

It is only a part-time job – the production of the summaries makes for 60 % of one full time position. In addition comes a little work by the Lovdata, although I am not familiar with those details. Notice also that the 60 % at the Center for Human Rights also includes the production of the “Case-Law Bulletin”, to which I will soon turn.

At this point, however, some of you may have a question ready for me: Is providing these summaries all that is being done, even when there is a judgment against Norway?

And the answer is no. The practice of producing summaries will naturally, mostly be covering cases against other states. Where there is a judgment against Norway, however, a more general dissemination of the judgment, to relevant Norwegian actors, will often be necessary. After a 2007 Grand Chamber judgment, for instance, on the teaching of religion and ethical views in school, the judgment was disseminated to all of Norway's primary schools and junior high schools.

Now, in my introduction I said I would introduce you to two Norwegian routines, and the second routine is the production of a "Case-Law Bulletin". Hopefully, you should have an example of this bulletin in front of you. It is the document with the number 2 written on the upper right.

The bulletin is an electronic newsletter produced by the Norwegian Center for Human Rights. Anyone may sign up for the newsletter and receive roughly 10 newsletters by email, every year. There is no cost associated with it for the private person, since it is published for free. The first edition came out February this year, so its production is still in a phase of experimentation.

As you can see, the newsletter consists of a very brief reference to last month's importance level 1 judgments. It states merely which Convention article that is relevant, and, in one or two sentences, the facts of the case. In the electronic edition of the newsletter there is a link to the more comprehensive summary of the case on Lovdata, to which I was referring in the first part of my presentation.

In addition, in every newsletter there is a "the chosen of the month" case. Here, the newsletter elaborates in more detail a recent case thought to be of general interest – on the facts, on the submissions and on the Court's own reasoning. In my opinion, the "case-law bulletin" is a good resource for anyone wanting to be up to date on the developments of the Court's case-law.