

Round-table on Translation of the Judgments of the ECtHR (15 October)

Concluding Remarks

Easy access to good quality translations of the case-law of the European Court of Human Rights is essential for the effective implementation of the Convention at national level. This was highlighted in the Committee of Ministers' Recommendation (2002)13.

The general principle which underlines the Recommendation is that it is up to the States to organise their systems to enable such easy access. In some countries this is done by the authorities, in others by private publishers; in some countries private and public bodies work hand in hand.

Whoever does it, the translations have to be of sufficiently good quality to be authoritative and the responsible State bodies should promote their use by decision-makers, in particular judges.

Such an approach underlines the subsidiary nature of the human rights obligations under the Convention. It ensures the deep integration of Convention standards, as clarified in the case-law of the Court, into the domestic legal system. Translations therefore facilitate the direct applicability of the case-law in the Member States.

This round-table was intended to serve as a springboard for research into the practice in member States in this respect. Because of time restraints, it was only possible to look at a few countries (Germany, Italy, Poland, Romania and Russia), in rather a superficial way. However, this overview was encouraging. It shows that significant progress has been achieved since the adoption of Recommendation (2002)13.

Translations of the Court's case-law are now available in some form, on the internet and through academic research papers and other publications, in most of the European languages. Moreover, it appears that the availability of this case-law in the national language has had the desired effect and has led to the increased application of Convention principles in national legal orders. Systems are in place and are generally working well. All that is needed is a little bit of fine-tuning or optimisation, both as regards the quality of translations and their dissemination.

As regards quality and accuracy of translations, further use could be made of IT tools, for example terminology databases. Networks of approved translators, including legal practitioners and experts, could be established. There is also scope for flexibility on the part of courts and others as regards the use of unauthorised translations.

There appears to be a certain duplication of efforts both within states - with different bodies commissioning their own translations - and internationally. More steps could be taken to pool resources and share common language versions. Given the huge amount of material coming out of the Court, thought needs to be given as to what it is most useful to translate. In addition to translations of judgments, or extracts of judgments, summaries of case-law in national languages, including of case-law guides and research reports prepared by the Court, assist rapid research into Convention principles.

The Court's HUDOC database of judgments, decisions and other documents is an easily accessed and user-friendly research tool. The Court does not have any budget for translation into non-official languages. HUDOC is therefore dependant on voluntary contributions and third parties for content in languages other than English and French. Avenues should be found to enable translations from outside sources to be published on HUDOC. Thought could be given to overcoming copyright restrictions.

Translations need to appear quickly, to give national courts the tools to stop further repetitive cases. Further training on the use of HUDOC could be carried out for key domestic actors.

The roundtable was the occasion for rich and fruitful discussion. The interventions of the contributors are available on-line. The issue should be followed up at the inter-governmental expert level.