

## ROUND TABLE

### IMPLEMENTATION OF THE ECHR IN THE DOMESTIC LEGAL SYSTEMS: EXPERIENCE IN THE TRANSLATION AND DISSEMINATION OF THE JUDGMENTS OF THE EUROPEAN COURT IN A COMPARATIVE PERSPECTIVE

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Council of Europe*

Summary of intervention of Michele De Salvia, Former Registrar and Jurisconsult of the European Court of Human Rights.

Dear colleagues,

thanks a lot for organisation of this event and inviting me.

First of all, the case-law is drafted in the two official languages, English and French.

In particular legal texts are made public:

- as far as Grand Chamber judgments and decisions are concerned in the two official languages (in this case both being authentic) ;
- as far as Chamber, Committee and single Judge texts are concerned in English **or** French (in this case only the original linguistic version is authentic).

A great number of Court's legal texts are not translated as a rule in the other official language. Nevertheless, a certain number of texts are translated (or summarised) to another official language by the Registry or national authorities or institutions for publication purposes, notably on HUDOC. Until the end of 2015, translations and summaries were published in the Reports of judgments and decisions. This publication was replaced since 2016 by a "Selection of key cases" (made on the basis of the proposals by the Jurisconsult).

As far as the translations to the unofficial languages are concerned, one has to recall that in the late sixties and in the seventies some judgments of the previous Court were translated under the sole responsibility of the Registry.

As to the current situation in Italy, the translations of the case-law of the European Court into Italian is useful, but not crucial because nowadays the Italian judges and other lawyers often read either French or English to understand the official text of a judgment.

Moreover, some public institutions offer translations of texts relating to Italians cases. The main website is that of Ministry of Justice which seems to have special arrangements with the Court's website, and the Italian translations of the judgments thus also appear on HUDOC. In this respect, it is difficult to overestimate the role of HUDOC.

Also, many private lawyers' websites offer in addition translations according to the particular domain of their competence.

I have to underline here that publication of these full texts of judgment is fine, but not essential. I would say that my personal experience with the Italian lawyers, judges and scholars leads me to the conclusion that what they need, in order to grasp and understand the trends of a case law amounting to thousands of pages, is a well organised and up to date selection of leading principles of jurisprudence and their applications to particular facts.

To sum up, the translations of the summaries of legal principles (ideally on HUDOC), not the full judgments, are of the utmost importance. Such selection of principles translated into Italian would greatly facilitate the comprehension of texts of the judgments of the European Court (which are now too long – I urge the Court to make them shorter, if possible).

Thank you for your attention.