

IMPLEMENTATION OF THE ECHR IN THE DOMESTIC LEGAL SYSTEMS: DISSEMINATION AND TRANSLATION OF CASE-LAW

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- **THE COPENHAGEN Declaration has enhanced the shared responsibility between Member States and the Court in the protection of Human Rights.**

“7. (...) States Parties, in accordance with the principle of subsidiarity, have the primary responsibility to secure the rights and freedoms defined in the Convention and the Protocols thereto (...).

The Declaration:

“16. Calls upon the States Parties to continue strengthening the implementation of the Convention at the national level in accordance with previous declarations, (...) in particular by:

(...)

c) giving high priority to professional training, notably of judges, prosecutors and other public officials, and to awareness-raising activities concerning the Convention and the Court’s case law, in order to develop the knowledge and expertise of national authorities and courts with regard to the application of the Convention at the national level; and;

d) promoting translation of the Court’s case-law and legal materials into relevant languages, which contributes to a broader understanding of Convention principles and standards.

- For a full application of the **principle of subsidiarity**, the Court’s case-law has to be known, understood and shared, notably by and among those called upon to use and apply it. The Court is highly committed to “sharing the knowledge” in order to implement and enhance the principle of subsidiarity.
- **What does this “knowledge” consist of ?**
 1. The Court’s **Key cases** selected annually: these are searchable in HUDOC via the level of importance “key cases” filter. They are published on the Court’s website in a document called “[Key cases](#)” by article and in alphabetical order of respondent State and Applicant’s name.
 2. The [overview](#) of relevant cases selected by the Jurisconsult and accepted by the Bureau, published on the Court’s website, as well as **videos** on admissibility, terrorism, and asylum, subtitled in non-official languages (NOLs).
 3. The **Legal summaries** of the most important judgments and decisions, published in HUDOC on the day of the judgment/decision’s publication and **immediately tweeted** on the @ECHRPublication Twitter account, specifically targeting a legal audience. There is a [NEW dedicated access in HUDOC for legal summaries in NOLs](#). The legal summaries are also published monthly in the [Case-law Information Note](#) on the Court’s website.

4. The document “[Finding and understanding the case-law](#)” is a guide on how to make optimal use of all the Court’s materials available on its website in English, French and Spanish and very soon also in Italian, Russian, Turkish and Ukrainian.

5. [Case-law guides](#) by Articles (Articles 1, 2, 4, 5, 6 civil and criminal, 7, 8, 9, 15 and 18 of the Convention and on Articles 2 and 3 of Protocol N°1, Article 4 of Protocol N° 4 and 4 of Protocol N° 7) and a new version of the admissibility guide are also published on the website, in various NOLs. Most of these guides are regularly updated (3 times a year).

6. Regular thematic video-conferencing sessions are organised with universities, bar associations, judges, prosecutors ...

- **How do we get / use translations in NOLs?** :

The Copenhagen Declaration is consonant with points B2 f) and g) of the Brussels Declaration calling upon State Parties to develop the dissemination of the Court’s case-law to the stakeholders concerned (in particular, the executive, parliaments and courts, and also, where appropriate, National Human Rights Institutions and representatives of civil society), as well as with Recommendation Rec(2002)13 of the Committee of Ministers:

Some points to underline regarding the Court’s translation policy:

The Court itself has **NO** budget for translations into NOLs (in 2018)

Governments, NGOs, private translators, universities and other stakeholders translate the Court’s texts into NOLs and send their translations to the Court or authorise the Court to upload their translations to HUDOC. The Court’s Registrar periodically sends a circular letter to Governments asking for cooperation in this regard.

The Court has launched different projects within the Council of Europe for translation into NOLs of the Court’s Judgments, legal summaries, case-law guides and other materials, as a complement to materials already translated by various stakeholders, selected thematically in cooperation with the HELP thematic training courses, case-law transversal themes or within the scope of other Council of Europe programmes¹.

These translations are non-official documents, they are not systematically checked by the Court, are subject to a responsibility disclaimer and are considered only as working documents to facilitate understanding of the Court’s case-law and/or general standards.

- **How does the Court contribute to the dissemination of its case-law ?**

All of these materials (the Jurisconsult’s overview, the case-law guides, the Case-law information notes and legal summaries, the annual report, etc.) are disseminated via the Court’s website, its database HUDOC and TWITTER², particularly in NOLs, when available.

Besides the HUDOC interfaces in English and French, interfaces in Russian, Turkish and Spanish also exist. The Georgian interface will be launched in December of this year.

¹ An agreement concluded with one Member State provides translations by University students of Translation and Interpretation, checked and marked by their professors, supervised by the Ministry of Justice and sent to the Court for HUDOC publication, with indication of the source.

² via the Twitter account @ECHRPublication