

COUNCIL OF EUROPE PROJECT

ENHANCING SUBSIDIARITY: SUPPORT TO THE ECHR KNOWLEDGE-SHARING AND SUPERIOR COURTS DIALOGUE

The project “Enhancing subsidiarity: support to the ECHR knowledge-sharing and superior courts dialogue” is a collaboration between the CoE Directorate General of Human Rights and Rule of Law and the Registry of the European Court of Human Rights.

The Project aims to strengthen the principle of subsidiarity, which lies at the core of the ECHR system. It implies that the role of States Parties in the implementation of the ECHR provisions should be strengthened, emphasising the responsibilities of the States themselves to be the first and primary protectors of human rights. The responsibility for the implementation of the ECHR is shared between the State Parties, the ECtHR and the Committee of Ministers.

The overall objective of the Project is to help bringing subsidiarity into practice at pan-European level by creating sustainable solutions enabling national courts to apply the ECHR, as interpreted by the ECtHR.

It has 3 distinct components which together contribute to reaching the overall objective:

- Expanding the reach of the ECHR’s Knowledge-Sharing platform to users all over Europe.
- Strengthening of the pan-European judicial dialogue on human rights, through the Superior Courts Network (SCN).
- Strengthening the ability of national courts to early identify Convention-related issues and effectively address them in a coherent manner at home.

The Project will ensure that the Court’s public-facing Knowledge Sharing (ECHR-KS) interface and content are made available in English and French, and, eventually, non-official languages. The public version of the ECHR-KS in English and French was unveiled in October 2022. The project will seek to progressively make the platform available in other languages.

It will also support intensified judicial dialogue through multilateral face-to-face and virtual workshops on ECHR issues organised for members of the ECHR’s SCN. The Project will support the continued sharing, on a privileged basis, of case-law knowledge including materials developed to target issues pending before domestic courts, contribute to the further development of capacity building including exchanges of judicial know-how, provide access by SCN members to relevant international standards, notably through an increased cooperation with the Court of Justice of the European Union and the Inter-American Court of Human Rights, which have been granted observership status.

The Project will also work to identify the specific needs of pilot states as regards the availability of IT tools for efficient implementation of the ECHR at national level, including early identification by courts of human rights issues and help address those needs through “implanting” of the ECHR methodology in existing national judicial systems through the Basic Rights Application and Navigation Tool - BRANT. BRANT will promote the use of the KS and other ECHR tools among the judiciary, advise on existing processes to better identify, recognise and address Convention-related issues, improve the existing or create new instruments for linking and associating national systems with the ECHR emerging case law and the Knowledge Sharing platform.