

# The role of the Jurisconsult in ensuring the consistency of the case law of the ECHR

*(EJTN seminar for EU judicial trainers  
September 2018)*



# Organisation of the Court

## Judicial Formations:

- Single judges decide clearly inadmissible cases
- 3-judge Committees, drawn from Sections
- 7-judge Chambers, drawn from Sections
- 17-judge Grand Chamber

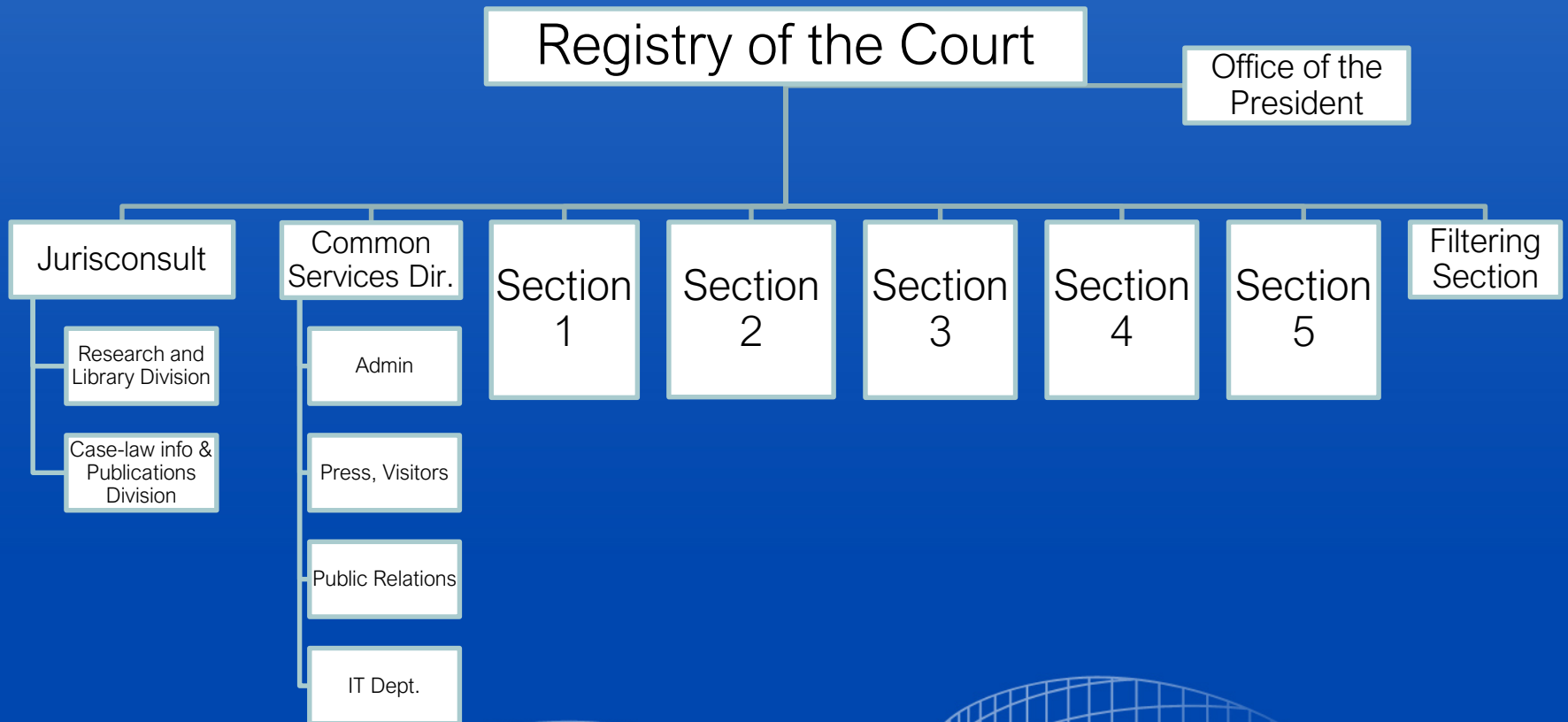


# Meetings of the Sections

- Composition of each Section: geographically and gender balanced to reflect the legal systems of the Contracting Parties
- Section meetings take place every Tuesday to deliberate and decide on drafts presented by a Judge Rapporteur



# Organisation of the Registry



# The Jurisconsult

Rule 18B of the Rules of Court (Inserted by the Court on 23 June 2014)

*For the purposes of ensuring the quality and consistency of its case-law, the Court shall be assisted by a Jurisconsult. He or she shall be a member of the Registry. The Jurisconsult shall provide opinions and information, in particular to the judicial formations and the members of the Court.*



# Directorate of the Jurisconsult

## Objectives:

- Advise judicial formations on case-law matters and principles
- Monitor the weekly Section work
- Ensure research on international, national, comparative and ECHR law, notably for the purpose of pending cases
- Ensure useful internal and external Knowledge Sharing
- The Superior Courts Network



# Weekly meetings of the Jurisconsult's team of lawyers

- Every week the Directorate receives the Section case files containing drafts to be considered the following week
- These files are reviewed by the Jurisconsult, the Deputy Jurisconsult and the team of lawyers, who then meet on Wednesday morning
- Jurisconsult's observations are circulated on Thursday afternoon to all Judges, Registrars, Heads of Division and relevant drafting lawyers



# Knowledge Sharing

To Date: dispersed, no Convention coverage, not up to date, for different audiences

## Key change

Information and Expertise = Create Knowledge

Find a way to usefully share that knowledge

## New approach

From information, to **knowledge**

From dispersed tools, to **one structure**

From an individualised approach, to a **collaborative one**





# KS Platform

- Article based
  - Coordinators
  - Weekly updating process
  - Key Themes
- Transversal themes
- Case-law Consult



# KS Future

- Launch KS Internal
- Benefits: Impact on efficiency and case-law coherence
- KS 4 SCN: first step to an external KS platform
- Explore a fully external KS



# Superior Courts Network (SCN)

- Initiative of the Court, supported by States
- Objective: create a structure to continue dialogue with superior courts, focussing on Convention case-law.
- Launch
  - 2015 on test basis
  - 2016 operational
  - 2017 first Focal Point Forum
  - current membership : 70 courts from 35 States

# SCN

- How?
  - dedicated website with privileged access
  - multi- lateral exchanges
  - Bilateral exchanges – the core



# SCN

- What – ECHR to member courts?
  - Case-law Updates of the Jurisconsult
  - Weekly tables
  - Responses to formal requests from superior courts (different but complimentary to Protocol no. 16 requests)
  - Online training and seminars
- What – member courts to ECHR?
  - valued contribution to comparative work of ECHR
  - sharing their Convention related material



# SCN - future

- KS 4 SCN
- Focal Point Forum : focus on substance
- Knowledge sharing tailored to super courts through development of eSeminars and individualised training





# Thank you

