

LIBRARY  
of the European Court of Human Rights

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

MEMORANDUM

**Date:** 13 – 02 - 2017

**A l'attention de :** M. Stefano PIEDIMONTE

**Cc :**

**De :** Genevieve WOODS

**Objet :** [REPORT TO REVIEW THE LIBRARY COMMITTEE](#)

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The administrative changes that have taken place in the Library during 2016 provide an opportune moment to review the structure and functioning of the Library Committee, and assess its remit.

The Library Committee was established in 2000, as the idea of Judge Caflisch who sought to create a discussion and decision making forum for the Library's development. No document has been found that formally states the purpose, structure, functioning and remit of the Library Committee.

The impetus that drove its establishment was the decision by the Directorate of Human Rights to relinquish responsibility for the then Human Rights Library and handed this over to the Directorate of Strategic Planning in the Palais. Judge Caflisch could not conceive of a European Court without a library and through his conviction and determination managed to save the Human Rights Library for the Court. The administrative transfer to the Court took approximately 18 months and at the beginning of January 2002 the Court took over the responsibility of the Human Rights Library which then became the Library of the Court. From the transfer period to date the Library Committee has regularly met and overseen the progress of the Court Library.

### Structure and membership

The Library Committee membership comprises Judges and Registry staff.

Earlier Library Committee reports suggest that Judges on the Committee are drawn from the different sections at the Court. Registry members are A grade staff, plus the B grade Court Librarian.

### Library Committee membership 2000-2017

| Period    | Judges                                                             | Registry                                         |
|-----------|--------------------------------------------------------------------|--------------------------------------------------|
| 2000-2004 | Caflisch (LC.Pres.), Ress, Lorenzen, Maruste, Levits, Hedigan      | De Salvia, Liddell, Enrich Mas, Binder (Libr.)   |
| 2005-2006 | Caflisch (LC.Pres.), Lorenzen, Maruste, Mularoni, Spielmann        | Berger, Early, Enrich Mas, Binder (Libr.)        |
| 2006-2007 | Spielmann (LC.Pres.), Maruste, Popovic                             | Berger, Callewaert, Enrich Mas, Binder (Libr.)   |
| 2008      | Spielmann (LC.Pres.), Maruste, Popovic, Lopez Guerra               | Berger, Callewaert, Enrich Mas, Binder (Libr.)   |
| 2009-2014 | Spielmann (LC.Pres.), Popovic, Lopez Guerra, Berro-Lefevre, Bianku | Berger, Callewaert, Enrich Mas, Binder (Libr.)   |
| 2014      | Spielmann (LC.Pres.), Lopez Guerra, Berro-Lefevre, Sajo, Pejchal   | Enrich Mas, Binder (Libr.)                       |
| 2015      | Spielmann (LC.Pres.), Lopez Guerra, Sajo, Pejchal                  | Early, Austin, Piedimonte Bodini, Binder (Libr.) |
| 2016-     | Vacant (LC.Pres.), Lopez Guerra, Sajo, Pejchal, Turkovic           | Early, Austin, Piedimonte Bodini, Woods (Libr.)  |

### Meeting frequency

Meetings have taken place with varying frequencies, in some years there have been 3, or even 4, meetings while in others only 1 meeting. Due to the staff changes in the Library in 2016 there were no meetings. In some years when 3 meetings were held this is likely to reflect the special tasks designated by the Committee to the Librarian who then was required to report back to the Committee.

It is not clear who has generated the decision to hold a meeting, but in the early years this was probably informally decided between the Committee President and the Librarian. The Committee President (Judge Caflisch) was very committed to establishing a Court Library and he and the Librarian had a very good working relationship.

The report has always been drafted by the Librarian, and it appears that on occasions the Librarian's N1 set the meeting agenda. Here again probably the good collaboration between the Committee President and the Librarian's N1 meant that this was more an informal communication from the Committee President.

| Period | No. of Library Committee meetings |
|--------|-----------------------------------|
| 2000   | ?                                 |
| 2001   | ?                                 |
| 2002   | 2 ?                               |
| 2003   | 4                                 |
| 2004   | 2                                 |
| 2005   | 2                                 |
| 2006   | 3                                 |
| 2007   | 3                                 |
| 2008   | 2                                 |
| 2009   | 2                                 |
| 2010   | 1                                 |
| 2011   | 1                                 |
| 2012   | 1                                 |
| 2013   | 0                                 |
| 2014   | 1                                 |
| 2015   | 1                                 |
| 2016   | 0                                 |

## Functioning

The meeting report covers all aspects of the Library's activities (collection, administration, services, publicity, and technical issues) and outlines developments in the Library since the previous meeting. It is sent out ahead of the meeting to the members.

The members convene for approximately one hour for a spoken résumé of the report by the Librarian, and are able to discuss any issues and concerns raised by the report, and make decisions on future activity or budget questions.

On those occasions when Library developments have necessitated an extra financing outside of the designated Library budget (eg. purchase of the Library database) then the Committee President has lobbied other parts of the Registry (Registrar, IT, Finances) and the wider diplomatic contacts in Strasbourg on behalf of the Library.

## Overall usefulness

The Library Committee was certainly vital for the transfer of the Human Rights Library to the Court administration and provided a forum and steady hand to then transform it into a Court Library. This entailed establishing Library rules, raising staff levels, obtaining extra funds to spend on filling gaps in the collection, purchasing a library database, purchasing Library equipment, and incorporating the national collections into the physical Library space, and creating a website for the Library.

It has gone onto examine and give support to the three major pressing areas for the Library – the national collections, space issues, and staff. And over the years each of these areas has seen movement, attesting to the positive influence of the Library Committee.

## The advantages of a Library Committee

The Judges and A grade Registry staff are well placed to propose and influence in favour of the Library at the highest levels at the Court, notably to the President of the Court and the Registrar. This gives the Librarian an effective voice directly into the top strata at the Court.

Furthermore the Judges also have access to a wider community - their Representations and their governments. Through these communities they can lobby in favour of the Library, particularly as a means of fundraising and sponsorship. This was seen in the early years of the Library when it received donations directly from certain member states (eg. Germany, Liechtenstein)

The Committee members' knowledge of the work of the Registry means they are in a position to communicate suggestions (eg. essential literature, databases, services) to the Librarian, with the aim of positive impact on the output of the Registry's work.

The Committee provides a useful oversight function of the activities in the Library, and helps to reinforce the authority of the Librarian.

The Committee meeting is a useful forum of exchange for the 3 perspectives represented – Judges, Registry, Library.

The meeting report serves as a record of the Library's activities and over time this becomes an historical document.

## The possible disadvantages of a Library Committee

Committee members, other than the Librarian, cannot possess full knowledge of the details of the running of the Court Library, and risk making proposals that might be ineffective or unnecessary.

Frequent Committee membership turnover can be disruptive and detrimental to smooth the functioning of the Committee.

A Committee member(s) might be more concerned with an agenda beyond the remit of the Library but because of position/grade is able to impose this on the Library.

Running a committee is a time commitment for all concerned, detracting from members' other tasks.

## Conclusion and Proposal

The overall usefulness of the Committee depends ultimately on the engagement of its members.

The European Court of Human Rights Library should have, and needs a Library Committee, as is fitting for any library at an international level, (eg. the International Court of Justice library has a Library Committee).

The Committee has proved itself, particularly at a time of crisis for the Library, to be able support, influence and divert that crisis. The Committee membership has shown that it has had an important fundraising function for special projects and collection development.

I propose that the Library Committee :

- should have a written document outlining its mandate, working method, process of electing/attribution new members to the Committee,
- membership should continue to be mixed, comprising both Judges and Registry staff,
- should meet at least once a year,
- should monitor activities in the Library, with the aid of the Librarian's written report,
- should provide recommendations following from propositions put forward by the Librarian,
- should exploit the lobby and fundraising capacities of its members when appropriate,

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