



Recommendation 235 (1960)¹

Procedure for the appointment of additional members to the European Court of Human Rights

Parliamentary Assembly

The Assembly,

Having regard to the European Convention on Human Rights and the establishment of the European Court of Human Rights in the course of 1959 ;

Considering that, under Article 39 of the Convention, the procedure to be followed to complete the European Court of Human Rights in the event of the admission of new Members to the Council of Europe and to fill casual vacancies shall be the same as that laid down for the first election of members of the Court, though only "as far as applicable";

Considering that, as pointed out in the Report of the Legal Committee ([Doc. 1060](#)), this provision is open to varying interpretations and that this matter must be settled without delay ;

Considering also that the composition and functions of the European Court render it the most qualified body to give an interpretation that will be consistent with the spirit of the Convention ;

Recalling, however, that the matter cannot be brought before the Court except by agreement between all the States which are at present Contracting Parties, since the Convention does not confer on the Court the power to give advisory opinions,

Recommends that the Committee of Ministers invite the Contracting Parties to the European Convention on Human Rights to conclude a special agreement among themselves whereby they would request the European Court of Human Rights to decide upon the procedure to be followed for completing the Court in the event of the admission of new Members to the Council of Europe and for filling casual vacancies.

1. Assembly Debate on 22nd January 1960 (30th Sitting) (see [Doc. 1060](#), Report of the Legal Committee). Text adopted by the Assembly on 22nd January 1960 (30th Sitting).

