



Resolution 1432 (2005)¹

Procedure for elections held by the Parliamentary Assembly other than those of its President and Vice-Presidents

Parliamentary Assembly

1. The Bureau of the Parliamentary Assembly instructed the Committee on Rules of Procedure and Immunities on 6 November 2002, in accordance with Rule 65.2 of the Assembly's Rules of Procedure, to examine the procedure for the election of judges to the European Court of Human Rights with a view to proposing changes to the rules and regulations.
2. Consequently, the Assembly decides to add the following words at the end
 - i. of Rule 40.b of the Rules of Procedure:

“in the event of a tie-vote between candidates in the second ballot, successive ballots shall be held until one candidate obtains a relative majority”;
 - ii. of Rule 47.4 of the Rules of Procedure:

“However, only members of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) and members of the Ad hoc Sub-Committee on the Election of Judges to the European Court of Human Rights may attend meetings of their respective committees”.
3. Furthermore, the Assembly approves the appended modalities for the election procedure of judges to the European Court of Human Rights and of the Council of Europe Commissioner for Human Rights.
4. The Assembly decides that these changes shall enter into force as from their adoption by the Assembly.

1. Text adopted by the Standing Committee, acting on behalf of the Assembly, on 18 March 2005 (see [Doc. 10385](#), report of the Committee on Rules of Procedure and Immunities, rapporteur: Mr Vis).



Appendix Appendix to Resolution 1432 (2005)

Modalities for the election procedure of judges to the European Court of Human Rights and the Council of Europe Commissioner for Human Rights

1. In principle, the list of candidates for the election of judges, once submitted to the Parliamentary Assembly, should not be modified. The Assembly shall only exceptionally accept partial or complete modification of the list on the initiative of the government concerned.
2. The Assembly shall interrupt the procedure if one of the three candidates on a list for the post of judge or Commissioner for Human Rights withdraws before the first ballot. In such cases, it shall ask the government concerned (in respect of judges) or the Committee of Ministers (in respect of the Commissioner) to complete the list of candidates.
3. The Assembly confirms its practice of listing candidates for the post of judge in alphabetical order on the ballot paper. This shall also remain the practice in those cases where the government, disregarding the Assembly's position as set out in Recommendations 1429 (1999) and 1649 (2004), has expressed a preference for one of the candidates. Any such expressions of governmental preference shall play no role in the deliberations of the Ad hoc Sub-Committee on the Election of Judges to the European Court of Human Rights, where only the criteria provided for in the European Convention on Human Rights and those established by the Assembly itself shall be relevant.
4. Furthermore, the Assembly confirms that the candidates for the post of Council of Europe Commissioner for Human Rights shall be listed in alphabetical order on the ballot paper.