



Resolution 1627 (2008)¹

Candidates for the European Court of Human Rights

Parliamentary Assembly

1. The Parliamentary Assembly has drawn up and adopted a procedure for examining candidatures to the European Court of Human Rights, for which it has laid down precise criteria.

2. The Assembly attaches great importance to both expertise and gender balance in the Court and has developed criteria in order to ensure that lists contain candidates of the sex that is under-represented in the Court. As stated by the Court in its opinion dated 12 February 2008, “the criterion in question derives from a gender-equality policy which reflects the importance of equality between the sexes in contemporary society and the role played by the prohibition of discrimination and by positive discrimination measures in attaining that objective. The measures concerned in the present case certainly fall into the latter category. Moreover, there is far-reaching consensus as to the need to promote gender balance within the State and in the national and international public service, including the judiciary”.

3. The current wording of paragraph 3.ii of [Resolution 1366 \(2004\)](#) on candidates for the European Court of Human Rights, as amended by [Resolution 1426 \(2005\)](#), rules out the consideration of lists of three candidates of the same sex if that sex is over-represented in the Court, regardless of the other criteria related to the qualifications of the candidates, and of the quality of the national selection procedure followed.

4. The Assembly therefore decides to amend [Resolution 1366 \(2004\)](#), as modified by [Resolution 1426 \(2005\)](#), by adding a new paragraph 4 to read as follows:

“The Assembly decides to consider single-sex lists of candidates of the sex that is over-represented in the Court in exceptional circumstances where a Contracting Party has taken all the necessary and appropriate steps to ensure that the list contains a candidate of the under-represented sex, but has not been able to find a candidate of that sex who satisfies the requirements of Article 21 § 1 of the European Convention on Human Rights.

Such exceptional circumstances must be duly so considered by a two-thirds majority of the members casting a vote and a majority of the members entitled to vote of both the Sub-Committee and the Committee on Legal Affairs and Human Rights. This position shall be ratified by the Assembly in the framework of the Progress Report of the Bureau of the Assembly.”

5. Since the Sub-Committee on the Election of Judges to the European Court of Human Rights has become a standing sub-committee of the Committee on Legal Affairs and Human Rights, the Assembly also resolves to delete the words “Ad hoc” in paragraph 1 of [Resolution 1366 \(2004\)](#), as modified by [Resolution 1426 \(2005\)](#).

1. *Assembly debate* on 30 September 2008 (31st Sitting) (see [Doc. 11682](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mrs Bemelmans-Videc; and [Doc. 11718](#), opinion of the Committee on Equal Opportunities for Women and Men, rapporteur: Mrs Err). *Text adopted by the Assembly* on 30 September 2008 (31st Sitting).

