Parliamentary Assembly
Assemblée parlementaire
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 1764 (2010)[1]
Final version

National procedures for the selection of candidates for the European Court of Human Rights

Parliamentary Assembly

1. It is the Parliamentary Assembly's task, by virtue of Article 22 of the European Convention on Human Rights (ETS No. 5, the Convention), to elect judges of the highest calibre to the European Court of Human Rights (the Court) from a list of three candidates nominated by states parties. This provides "democratic legitimacy" to judges elected by the Assembly.

2. This presupposes that states parties to the Convention transmit to the Assembly a list of three jurists with the necessary qualifications, experience and stature, as required by Article 21, paragraph 1, of the Convention ("The judges shall be of high moral character and must either possess the qualifications required for appointment to high judicial office or be jurisconsults of recognised competence"), so that member states, and in particular their highest judicial authorities, fully acknowledge the Court's authority.

3. Hence, in order to be in a position to choose between candidates with the necessary standing and authority, the Assembly reiterates the need for rigorous, consistent, fair and transparent national selection procedures, as specified in its Resolution 1646 (2009) on the nomination of candidates and election of judges to the European Court of Human Rights.

4. It follows that, as "[t]he authority of the Court is contingent on the stature of judges and the quality and coherence of the Court's case law" (paragraph 7 of Assembly Resolution 1726 (2010) on the effective implementation of the European Convention on Human Rights: the Interlaken process), the Assembly fully supports all attempts by states parties to enhance the quality of candidates transmitted to it, in particular by improving, where necessary, national selection procedures. Seen from this perspective, it welcomes the recent initiative of the President of the Court to set up a panel of experts to advise governments before lists of candidates are transmitted to the Assembly.

1. *Assembly debate* on 8 October 2010 (36th Sitting) (see Doc. 12391, report of the Committee on Legal Affairs and Human Rights, rapporteur: Mrs Wohlwend). *Text adopted by the Assembly* on 8 October 2010 (36th Sitting).