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Reinforcing the selection processes for experts of key Council of Europe human rights monitoring mechanisms

Reply to Recommendation¹: Recommendation 2012 (2013)
Committee of Ministers

1. The Committee of Ministers has carefully examined Parliamentary Assembly Recommendation 2012 (2013) on “Reinforcing the selection processes for experts of key Council of Europe human rights monitoring mechanisms”, which it has forwarded to the monitoring bodies concerned.²
2. The Committee of Ministers shares the Assembly’s observations on the importance, for the Council of Europe’s activities, of having monitoring mechanisms whose members have the highest qualifications required in their respective fields of expertise and who also demonstrate the independence and impartiality which are essential to the exercise of their duties.
3. The Committee of Ministers takes note of the Assembly’s proposed general minimum standards. More particularly:
 - with regard to the proposal to limit the duration of the experts’ terms of office (point 5.1 of Resolution 1923 (2013) to which Recommendation 2012 (2013) refers), the Committee of Ministers acknowledges that it would be desirable to ensure a fair balance between the necessary renewal of the monitoring mechanisms and preserving institutional memory. However, harmonising existing rules would be difficult, not least because of the different legal nature of the instruments setting forth the duration and renewal of the terms of office of the members of the monitoring mechanisms: while in some cases, these rules are laid down in a Committee of Ministers’ resolution (ECRI for example), the rules for others are set out in the treaty establishing the mechanism itself (for example, the Committee of Experts on the European Charter for Regional or Minority Languages). In this connection, it should be pointed out that the Committee of Ministers is currently engaged in work to introduce a limitation on the terms of office of the ECRI experts;
 - with regard to the eligibility criteria referred to in point 5.2 of Resolution 1923 (2013), the Committee of Ministers notes that the current provisions already seek to ensure that the persons selected demonstrate a high level of competence, independence, impartiality and integrity and that they should make themselves available to discharge their duties effectively. In practice, the Committee of Ministers also takes account of the objective requirements referred to by the Assembly, in order to ensure the diversity of the composition of the monitoring mechanisms;
 - the Committee of Ministers shares the view of the Assembly on the desirability of avoiding situations of real or perceived conflicts of interest (point 5.3 of Resolution 1923 (2013)). The practice it has developed in this area is designed to prevent such situations;

1. Adopted at the 1178th meeting of the Ministers’ Deputies (18 September 2013).

2. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), the European Commission against Racism and Intolerance (ECRI), the European Committee of Social Rights (ECSR), the Advisory Committee of the Framework Convention for the Protection of National Minorities (FCNM) and the Committee of Experts on the European Charter for Regional or Minority Languages.



- with regard to national selection procedures, the Committee of Ministers refers to the principle of subsidiarity, while sharing the Assembly's view that those procedures should be transparent and open. In this connection, States could usefully draw on the Committee of Ministers' Guidelines for the selection of candidates for the position of judge at the European Court of Human Rights (adopted by the Committee of Ministers on 28 March 2012, at the 1138th meeting of the Ministers' Deputies);
 - lastly, with regard to consulting the monitoring bodies themselves, the Committee of Ministers draws attention to the fact that the Bureau of the CPT and the ECSR provide it, informally, with their views on the candidates for election to these bodies. The practice of the Committee of Ministers regarding the other monitoring bodies is to ask, when it deems it appropriate, for the latter to provide it with objective information relating to their needs in terms of competences, professions, gender equality, etc.
4. Finally, the Committee of Ministers would points out that it is continuing discussions, in its Rapporteur Group on Human Rights (GR-H), on improving, where appropriate, the selection procedures for the members of the Organisation's different monitoring mechanisms.