Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 2009 (2014)[1]
Final version

Reinforcement of the independence of the European Court of Human Rights

Parliamentary Assembly

1. The authority and effectiveness of the European Court of Human Rights ("the Court") are contingent on the genuine independence and impartiality of its judges, backed up by a professional non-partisan Registry.

2. Notwithstanding the various measures taken over the years to strengthen the independence of the Court, there is still room for improvement.

3. In particular, the nine-year non-renewable term of office, introduced by Protocol No. 14 to the European Convention on Human Rights (ETS No. 5 and CETS No. 194) may not have completely eliminated the leverage State authorities might have on judges during their term of office, especially with respect to judges who, after leaving the Court, have not yet reached retirement age. Some of them have experienced difficulties in finding appropriate employment at the end of their term of office.

4. The Parliamentary Assembly has studied additional measures that can be taken in order to reinforce the Court's independence, including:

4.1. for member States who have not yet done so, to ratify the Sixth Protocol to the General Agreement on Privileges and Immunities of the Council of Europe (ETS No. 162);

4.2. in so far as social security and retirement pensions of judges are concerned, for present arrangements to be reviewed. More flexibility should be offered with regard to the choice of a pension scheme (international or national, or both), as well as the possibility to withdraw from the current obligatory scheme on the basis of clear transitional rules establishing transfer and/or return of accumulated funds;

4.3. in so far as the status of judges at the end of their term of office is concerned, to ensure that improvements to the present situation are made at national level. Appropriate measures should be considered by member States to assist former Court judges to find employment upon the expiration of their term of office. These measures may differ depending on the position that the person had occupied before election as a judge to the Court;

4.4. the organisation of the work of the Registry of the Court may merit re-assessment, in particular with regard to the policy of non-renewable contracts for assistant lawyers.

5. Finally, the Assembly stresses that the independence and authority of the Court are contingent on the political will and commitment of all member States of the Council of Europe, including States' legislative organs, to ensure that the Court is provided with the financial means to effectively implement its human rights mandate.

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1. *Assembly debate* on 27 June 2014 (27th Sitting) (see Doc. 13524, report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Boriss Cilevičs). *Text adopted by the Assembly* on 27 June 2014 (27th Sitting).
See also Recommendation 2051 (2014).