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The serious problem of conflicts of interest at the European Court of Human Rights

Motion for a resolution

tabled by Mr José María SÁNCHEZ GARCÍA and other members of the Assembly

This motion has not been discussed in the Assembly and commits only those who have signed it

The report of the European Centre for Law and Justice (ECLJ) “NGOs and the Judges of the ECHR, 2009-2019” reveals that at least 22 of the 100 judges of the European Court of Human Rights between 2009 and 2019 are former officials or collaborators of seven NGOs active before that Court. Since 2009, these NGOs have visibly participated in 185 cases at the Court. In 88 of these cases, 18 judges sat in a conflict of interest situation because the NGO they worked with was directly involved in the case.

The report also shows that the involvement of these NGOs in many cases lacks transparency, as it is often not mentioned in the judgements.

These figures are a low estimate as they only cover the minority of applications that resulted in a judgment published by the Court and in which the NGOs' action was visible.

The report also shows that the Court does not comply with all the rules that it prescribes for national jurisdictions regarding the right to a fair trial. In particular, it does not inform the parties in advance of the composition of the trial panel and does not have effective procedures for deportation and withdrawal. Judges are not even obliged to inform the President in case of doubt as to their independence or impartiality. They do not publish any declaration of interest, contrary to the international practice and standards.

Contrary to the principles of judicial ethics, such facts call into question the authority and impartiality of the European Court of Human Rights. It is for the Parliamentary Assembly to examine this situation and to recommend the necessary reforms to remedy it.

Signed (see overleaf)



Signed¹:

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1. EC/DA: European Conservatives Group and Democratic Alliance
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