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Procedure for the election of judges to the European Court of Human Rights

Motion for a resolution

tabled by the Committee on the Election of Judges to the European Court of Human Rights

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

The Parliamentary Assembly stresses the need to ensure that the qualifications for being a judge of the European Court of Human Rights, as set out in Article 21 (1) of the European Convention on Human Rights (ETS No. 5, "the Convention"), are duly met.

It is therefore of utmost importance that both the national selection procedure to produce the list of three candidates, with the assistance of the Advisory Panel of Experts established in 2010, and the election procedure in the Assembly are fair, transparent, and based on the Convention.

The Assembly notes that much progress has been made in this respect over the past decade, both in terms of procedural improvements and the interpretation of the eligibility criteria under Article 21 of the Convention. A drafting group of the Committee of Ministers has made further proposals.

In order to consolidate and further improve its practice, the Assembly should address all relevant issues in context, in particular the assessment of national selection procedures; the interpretation of the criteria laid down in Article 21 (1) of the Convention; the requirement of independence and impartiality of the candidates, including the avoidance of potential conflicts of interest during their mandate if elected; the language skills required; the residence requirement; the procedure for the appointment of *ad hoc* judges; the procedure before the Assembly's Committee on the Election of Judges to the European Court of Human Rights and the plenary, including issues such as the format of the interviews with candidates, the content of the Committee's public recommendations addressed to the plenary, voting rights and the announcement of the election results in the plenary; furthermore, the issues of post-mandate recognition of service of judges; extension of the term of office of sitting judges due to delays in the election of a new judge; compliance with ethical standards by former judges; and further improvements in the co-operation and communication between the Assembly, the Court and the Panel.

