



Resolution 2648 (2026)¹

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

Parliamentary Assembly

1. The European Convention on Human Rights (ETS No. 5, hereafter “the Convention”) enshrines the human rights values at the heart of Europe’s post-Second World War peace project as legal norms, and has made an extraordinary contribution to maintaining democratic security and improving good governance on the European continent for over seventy-five years. At a time when the Convention system is facing unprecedented challenges, it is more important than ever to strengthen the authority of the European Court of Human Rights (hereafter “the Court”), ensuring that all its judges possess the highest level of competence, independence and impartiality, and that the procedure for electing them is fair, transparent and efficient.
2. The election of judges to the Court is a multistage procedure with a clear distribution of roles: it is the responsibility of the High Contracting Parties, assisted by the Advisory Panel of Experts on Candidates for Election as Judge to the European Court of Human Rights (hereafter “Advisory Panel”), to nominate three candidates, each of whom must fulfil the eligibility criteria laid down in Article 21.1 of the Convention; and it is for the Parliamentary Assembly, assisted by its Committee on the Election of Judges to the European Court of Human Rights (hereafter “Committee on the Election of Judges”), to elect one of the three candidates, in accordance with the exclusive competence conferred on it by Article 22 of the Convention. As underlined by the 2018 Copenhagen Declaration, the Committee of Ministers and the Assembly should “work together, in a full and open spirit of co-operation in the interests of the effectiveness and credibility of the Convention system, to consider the whole process by which judges are selected and elected to the Court with a view to ensuring that the process is fair, transparent and efficient, and that the most qualified and competent candidates are elected”.
3. The Assembly honours this responsibility by being fully aware that its role in the procedure provides a measure of democratic legitimacy to the Court and is a unique feature which distinguishes it from all the other international judicial bodies, including the Court of Justice of the European Union.
4. The current procedure for the election of judges has been developed through a number of Assembly resolutions and recommendations, which have been adopted over a period of more than thirty years. The last changes were introduced in 2018 ([Resolution 2248 \(2018\)](#) “Procedure for the election of judges to the European Court of Human Rights”) and 2019 ([Resolution 2278 \(2019\)](#) “Modification of various provisions of the Assembly’s Rules of Procedure”).
5. Over time, the Assembly has paid increasing attention to the fairness and transparency of national selection procedures, taking into account the Guidelines of the Committee of Ministers on the selection of candidates for the post of judge at the European Court of Human Rights, adopted in 2012 (CM(2012)40). The Assembly has, for example, rejected lists of candidates on procedural grounds when the Advisory Panel had not been duly consulted, when the national selection procedure had been heavily dominated by representatives of the government, when the procedure had not been sufficiently transparent or when it could not be presumed that the members of the selection body were free from undue influence. The Assembly takes

1. *Assembly debate* on 21 April 2026 (13th sitting) (see [Doc. 16361](#), report of the Committee on the Election of Judges to the European Court of Human Rights, rapporteur: Ms Petra Bayr). *Text adopted by the Assembly* on 21 April 2026 (13th sitting).

See also [Recommendation 2306 \(2026\)](#).



note of the Committee of Ministers' decision of 7 February 2024 inviting the Assembly, when rejecting a list on procedural grounds, to consider publishing its conclusions and reasoning. In this regard, the Assembly stresses that the specific reasons for rejections on procedural grounds are transmitted to the government concerned and indicated in a succinct and non-country-specific manner in the memorandum prepared by the Secretary General of the Assembly, which is updated regularly. This should enable States Parties to identify how the Assembly applies the Committee of Ministers' guidelines in practice, with a view to improving their selection procedures.

6. The Advisory Panel has also identified a number of challenges, shortcomings and practices that fall short of the required standards regarding national selection procedures. These include inadequate publicity, a low number of people responding to the public calls for candidates, unbalanced or politicised composition of selection bodies, lack of transparent decision making or unjustified exclusion of highly qualified applicants.

7. The Assembly, while conscious that States Parties have a certain latitude in organising national selection procedures, stresses that the Committee of Ministers' guidelines, as well as its own relevant resolutions, should be fully implemented. The explanatory memorandum of the guidelines and the Advisory Panel's activity reports provide examples of positive practices that should be considered. The Assembly has also identified examples of good practice in recent national selection procedures that could help States Parties to make their own procedures fairer and more transparent, while taking into account their legal, constitutional and political specificities. These include the following requirements:

- 7.1. a minimum period of one month is given for submission of applications;
- 7.2. the executive does not dominate the composition of the national selection body, with the majority of its members coming from outside the governmental structure, for instance from the judiciary, the ombudsperson's office, bar associations and academia;
- 7.3. the nominal composition of the national selection body is disclosed in advance and made public;
- 7.4. the general composition of the national selection body and details of the selection procedure are set out in the relevant regulation (statutory law or governmental decree) and not left to the discretion of the relevant minister;
- 7.5. measures are taken to ensure that national selection bodies are as gender balanced as possible, as previously recommended by the Assembly;
- 7.6. civil society, legal professions' representatives and independent institutions are entitled to be present during the interviews as observers;
- 7.7. the national selection body seeks advice from former judges at the Court in respect of the country concerned;
- 7.8. candidates' linguistic abilities are tested in writing and orally during the interviews;
- 7.9. if the final decision maker considers deviating from the national selection body's recommendation, it must ask the selection body for an opinion on any applicants who were not shortlisted;
- 7.10. relevant documents from the Council of Europe on the election of judges are translated into the national language and made available to all members of the national selection body.

8. As regards the substantive criteria for candidates under Article 21.1 of the Convention, the Assembly emphasises the need to ensure the authority of the Court and confidence in the quality and independence of its judges. Candidates must therefore possess the relevant professional experience and independence to exercise such a high judicial function on an international court. The Assembly's practice shows that rejections of lists on substantive grounds, because not all of the candidates fulfil the criteria, are necessary to preserve the freedom of choice conferred on the Assembly, which it must exercise in the interests of the proper functioning and authority of the Court. The Assembly notes with concern the conclusions of the Advisory Panel in its activity report of 5 November 2025, which stated that it had come to a negative conclusion on a relatively significant proportion of candidates (16% from July 2022 to July 2025) and that some governments had a tendency to present younger and less-experienced candidates. This shows that there is still room for improvement in attracting and submitting highly qualified candidates, particularly those with extensive judicial experience at the highest national courts. In this context, the Assembly underlines the importance of addressing the situation of judges after the end of their mandate, including by formally recognising their service as judge within their domestic legal systems, and facilitating their professional reintegration and their inclusion in national pension schemes. Such measures would increase the attractiveness of the post and contribute to the implementation of the Convention at the national level.

9. The Assembly also stresses the importance for candidates to have knowledge of the national legal system of the member State in respect of which they would be elected. Since they will often have to sit in cases against this State and adjudicate on how its national authorities and courts apply the Convention, it is important that they have an in-depth understanding of the relevant domestic legal system and are able to brief the other judges on the judicial formation concerned (Chamber or Grand Chamber). Competence and experience in the field of human rights, although not strictly derived from Article 21.1 of the Convention, should also be taken into account in the overall assessment of candidates. At the same time, the Assembly underlines the value of diversity among the Court judges in terms of specific legal expertise and professional profiles.

10. Regarding gender balance, the Assembly regrets that women are under-represented at the Court, as they make up less than 40% of the total number of sitting judges. In this context, it accepts the recent submission of all-female lists by some States and reiterates that it strictly applies the “exceptional circumstances” threshold to justify exceptions to the rule that the lists submitted should contain at least one candidate of the under-represented sex.

11. The Assembly is deeply concerned by the delays in the presentation of lists of candidates by some States Parties, including those that need to replace one or more candidates following a rejection by the Assembly. This situation results in the *de facto* extension of the mandate of the sitting judges (in some cases far) beyond their term of office by virtue of Article 23.2 of the Convention or in the absence of a sitting judge in respect of that State. This not only creates inequality among the sitting judges, problems and uncertainty for the workload of the Court and the judges concerned but also goes against the spirit of the non-renewable term of office of nine years introduced by Protocol No. 14 to the Convention (CETS No. 194, entered into force in 2010). The Assembly considers that the time has come to introduce a mechanism to discourage this phenomenon and put pressure on the States Parties concerned to submit appropriate lists of candidates in due time. This could be achieved by amending Article 23.2 of the Convention to allow a maximum of one additional year for a sitting judge after the term of nine years.

12. The Assembly notes that its rules and procedures on the election of judges have constantly evolved over the years. Those currently applicable to the Committee on the Election of Judges have allowed the committee to effectively fulfil its role of interviewing candidates and assisting the Assembly in electing the most qualified judges to the Court, while protecting the reputation of all shortlisted candidates. Since the creation of the committee in 2015, the Assembly has almost always followed its recommendations, which must be seen as a sign of trust and respect for its members, all of whom are required to have a legal background. The Assembly considers, however, that the following modifications to the procedure for the election of judges ought to be made in order to improve certain aspects and codify certain practices:

12.1. the chairperson or a representative of the Committee on the Election of Judges should have the right to speak in the debate on the progress report of the Bureau and the Standing Committee, to present the committee’s recommendations when necessary;

12.2. the list of candidates for the election of a judge to the Court, once submitted to the Assembly, can only be withdrawn or modified by the government concerned as long as the deadline set for its transmission – as specified in the letter from the Secretary General of the Assembly – has not yet expired. After the expiry of the deadline, the government can no longer withdraw or modify the list of candidates on its own initiative;

12.3. the Assembly should interrupt the election procedure if one of the three candidates on the list withdraws before the recommendation of the Committee on the Election of Judges is made public. It should then ask the government concerned to complete the list of candidates, by replacing the candidate who has withdrawn. This will be followed by another hearing of all three candidates by the committee. The withdrawal of a candidate after the publication of the committee’s recommendation is not possible.

13. Furthermore, the Assembly:

13.1. calls on the States Parties to the Convention to follow and implement the Guidelines of the Committee of Ministers on the selection of candidates for the post of judge at the European Court of Human Rights, as well as the Assembly’s resolutions on the election of judges and the guidance and opinions of the Advisory Panel, bearing in mind the good practices identified;

13.2. calls on the governments of the States Parties to submit the lists of candidates to the Assembly in due time, providing full details of national selection procedures, including the composition of the national selection bodies, when transmitting the names and curricula vitae of the candidates;

- 13.3. calls on the national parliaments of the States Parties, as well as national human rights institutions, to inform themselves of their ongoing national selection procedures and to raise awareness at the national level of the selection and election of judges to the Court;
- 13.4. encourages national human rights institutions, civil society and legal professional associations to closely monitor national selection procedures and contribute to their ongoing improvement;
- 13.5. invites the Advisory Panel to maintain and enhance its ongoing co-operation and dialogue with the Committee on the Election of Judges, including through the current participation of its chair or a representative in the committee's briefing sessions to present the Advisory Panel's views before the interviews take place, and through joint annual meetings to discuss issues of common interest;
- 13.6. invites the Advisory Panel to clearly indicate any shortcomings it has identified regarding specific national selection procedures in its opinions to governments and its written observations to the Assembly;
- 13.7. invites the Court to strengthen its dialogue with the Committee on the Election of Judges on issues of mutual interest, including those relating to judges' active time in office;
- 13.8. welcomes the latest changes to the Rules of Court regarding ad hoc judges and invites the governments of the States Parties to apply the same procedural requirements to the selection of elected and ad hoc judges alike, noting that ad hoc judges must also possess the qualifications required by Article 21.1 of the Convention;
- 13.9. reiterates that former judges are covered by the Court's Resolution on Judicial Ethics and that they should accordingly refrain from expressing themselves in a manner which may undermine the authority and reputation of the Court;
- 13.10. invites the Secretary General of the Council of Europe, the Secretary General of the Assembly and the Registry of the Court to consider organising an information campaign on the election procedure and the office of judge at the Court, with the aim of enhancing visibility and knowledge of these issues among the general public and potential candidates, in line with the Committee of Ministers' decision of 7 February 2024;
- 13.11. invites the Committee on Rules, Ethics and Immunities to consider those proposed changes in the election procedure before the Assembly that would require amendments to the Rules of Procedure and to submit any such proposals to the Assembly in due course.