



## Resolution 1646 (2009)<sup>1</sup>

# Nomination of candidates and election of judges to the European Court of Human Rights

### Parliamentary Assembly

1. The Parliamentary Assembly, whose task, by virtue of Article 22 of the European Convention on Human Rights (ETS No. 5 – the Convention), is to elect judges of the highest calibre to the European Court of Human Rights (the Court) from a list of three candidates nominated by states parties, underlines the importance of appropriate national selection procedures in order to ensure and reinforce the quality, efficacy and authority of the Court.

2. Despite a marked improvement in national selection procedures in several countries, there is still significant variance as concerns fairness, transparency and consistency. Referring to its [Recommendation 1649 \(2004\)](#) on candidates for the European Court of Human Rights, the Assembly yet again reiterates that the process of nominating candidates to the Court must reflect the principles of democratic procedure, transparency and non-discrimination. In the absence of a real choice among the candidates submitted by a state party to the Convention, the Assembly shall reject lists submitted to it. In addition, in the absence of a fair, transparent and consistent national selection procedure, the Assembly may reject such lists.

3. In addition to the criteria set out in Article 21, paragraph 1, of the Convention (“The judges shall be of high moral character and must either possess the qualifications required for appointment to high judicial office or be jurisconsults of recognised competence”), the Assembly has introduced linguistic requirements based on Article 21, paragraph 1, of the Convention, the need for gender balance, as well as other requisites, such as the standard curriculum vitae for candidates. Before proceeding to the election of judges, the Assembly also invites candidates to take part in personal interviews before a sub-committee set up for that purpose.

4. Referring to the above-mentioned [Recommendation 1649 \(2004\)](#), the Assembly recalls that in addition to the criteria specified in Article 21, paragraph 1, of the Convention, as well as the gender requirement, states should, when selecting and subsequently nominating candidates to the Court, comply with the following requirements:

- 4.1. issue public and open calls for candidatures;
- 4.2. when submitting the names of candidates to the Assembly, describe the manner in which they were selected;
- 4.3. transmit the names of candidates to the Assembly in alphabetical order;
- 4.4. candidates should possess an active knowledge of one official language of the Council of Europe and a passive knowledge of the other (see model curriculum vitae appended hereto);
- 4.5. that, if possible, no candidate should be submitted whose election might result in the necessity to appoint an ad hoc judge.

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1. *Assembly debate* on 27 January 2009 (4th Sitting) (see [Doc. 11767](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Chope; and [Doc. 11798](#), opinion of the Committee on Equal Opportunities for Women and Men, rapporteur: Mrs Err). *Text adopted by the Assembly* on 27 January 2009 (4th Sitting).



5. The Assembly also strongly urges the governments of member states which have still not done so, to set up – without delay – appropriate national selection procedures to ensure that the authority and credibility of the Court are not put at risk by ad hoc and politicised processes in the nomination of candidates. Furthermore, it invites the governments of member states to ensure that the selection bodies/panels (and those advising on selection) are themselves as gender-balanced as possible.

## Appendix – Model curriculum vitae for candidates seeking election to the European Court of Human Rights

In order to ensure that the members of the Parliamentary Assembly of the Council of Europe have comparable information at their disposal when electing judges to the European Court of Human Rights, candidates are invited to submit a short curriculum vitae on the following lines:

### I. Personal details

Name, forename

Sex

Date and place of birth

Nationality/ies

### II. Education and academic and other qualifications

### III. Relevant professional activities

- a. Description of judicial activities
- b. Description of non-judicial legal activities
- c. Description of non-legal professional activities

*(Please put in bold the post(s) held at present)*

### IV. Activities and experience in the field of human rights

### V. Public activities

- a. Public office
- b. Elected posts
- c. Posts held in a political party or movement

*(Please put in bold the post(s) held at present)*

### VI. Other activities

- a. Field
- b. Duration
- c. Functions

*(Please put in bold your current activities)*

### VII. Publications and other works

*(You may indicate the total number of books and articles published, but mention only the most important titles (maximum 10))*

### VIII. Languages

*(Requirement: an active knowledge of one of the official languages of the Council of Europe and a passive knowledge of the other)*

Language	Reading			Writing			Speaking		
	very good	good	fair	very good	good	fair	very good	good	fair
<b>a. First language:</b>									

Language	Reading			Writing			Speaking		
	very good	good	fair	very good	good	fair	very good	good	fair
..... (Please specify)									
<b>b. Official languages:</b>									
– English									
– French									
<b>c. Other languages:</b>									
.....									
.....									
.....									

**IX. In the event that you do not meet the level of language proficiency required for the post of judge in an official language, please confirm your intention to follow intensive language classes of the language concerned prior to, and if need be also at the beginning of, your term of duty if elected a judge on the Court.**

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**X. Other relevant information**

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**XI. Please confirm that you will take up permanent residence in Strasbourg if elected a judge on the Court.**

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**Indicative timetable for election of judges to the European Court of Human Rights**

Time needed for a state to organise an open call for candidatures and to transmit a list of three candidates to the Parliamentary Assembly of the Council of Europe	3 months
Time needed by the Assembly for its election procedures (including interviews with all candidates)	3 months (this time may be longer, depending on the scheduling of the Assembly's part-sessions)
Time provided to newly-elected judge to terminate his or her previous employment and settle in Strasbourg (if Protocol No. 14 of the Convention is not yet in force, the sitting judge – who may not have been re-elected – would need time to find other employment and/or to return to his or her home country).	6 months
Total time needed for the proceedings	12 months