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Committee on Legal Affairs and Human Rights

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

Part B of the Appendix to Assembly Doc 11767: Overview of member states' replies to a questionnaire

Rapporteur: Mr Christopher Chope, United Kingdom, European Democrat Group

Questionnaire :

1. How do your procedures meet the criteria of fairness, transparency and consistency? (see, in this connection, reply from the Committee of Ministers to PACE Recommendation 1649 (2004))²
2. Is a public call for candidatures organised?
If so, please state how (e.g. publication in the general/specialised press).
3. Does the selection follow an established procedure made public beforehand?
If so, please indicate whether the procedure has a formal legal basis.
4. Does the procedure include interviews with the short-listed candidates?
If so, please state who conducts the interviews and whether the interviews include an assessment of candidates' linguistic abilities.
5. Does the procedure include consultations with civil society bodies?
If so, please state which and at what stage.
6. Does the procedure involve a panel of independent experts?
If so, please state its composition, mission and authority (advisory/binding).

¹ Document approved by the Committee on 11 November 2008.

² [CM Reply](#) to PACE Recommendation 1649 (2004), 22.04.2004.

Key:

N/A – either not replied at all or reply does not answer question satisfactorily

AG – Attorney General

MoJ – Ministry of Justice

MroJ – Minister of Justice

MFA – Ministry of Foreign Affairs

MrFA – Minister of Foreign Affairs

STATE AND DATE OF REPLY	1. Fairness, transparency and consistency	2. Open call for candidatures and method	3. Procedure public/Formal legal basis	4. Interviews – Language assessment	5. Consultation with civil society bodies	6. Involvement of independent experts
ALBANIA NO REPLY						
ANDORRA [27.09.07]	The <i>Conseil Général</i> does not dispose of information regarding the selection of judges by the government. It appears that the list is established directly by the Government. We confirm that, to date, the government's selection criteria has not been based on criteria set out in PACE Rec 1649 (2004), § 19.	No.	No.	No.	No.	No.
ARMENIA [11.09.07]	In practice, the selection of candidates is organised by the Administration of President of the Republic in consultation with the MFA and MoJ, as well as institutions with legal assignment (General Prosecutor's Office, Judicial Department, Legal Faculties of Universities). The candidates are recruited from the aforementioned institutions.	N/A	No.	Yes.	N/A	N/A
AUSTRIA [27.09.07]	Every effort is being made to reach the broadest possible range of human rights experts in the process of identification of the most qualified candidates. The Federal Ministry of European and International Affairs and the Federal Chancellery undertake a search of qualified candidates and propose a short list of candidates for the Austrian judge at the ECtHR for decision by the Council of Ministers.	Yes. The nomination process for candidates is made widely known in all relevant academic and professional circles. Academic and professional institutions and other relevant stakeholders are encouraged to propose suitable candidates.	The nomination of the Austrian candidates is subject to a decision by the Council of Ministers. This procedure is made known to all relevant academic and professional institutions.	Yes. The interviews of short-listed candidates are conducted by the Federal Ministry for European and International Affairs and the Federal Chancellery. The candidates' linguistic abilities are taken into account.	Yes. Civil society bodies (human rights NGOs, universities, law societies) are informed about the nomination process and encouraged to recommend suitable candidates.	No. However, experts in the field of human rights are consulted in the process of identifying candidates.

<p>AZERBAIJAN [30.11.07]</p>	<p>The request for nomination of candidates is submitted to the Judicial-Legal Council (JLC) of the Republic of Azerbaijan, an independent body, which, <i>inter alia</i>, conducts selection procedure for the post of judge at domestic level and promotion of judges. In drawing up the list of candidates, all efforts are being applied to satisfy the criteria for a balanced representation of women and men, and to provide the PACE with a real choice among well-qualified candidates. The JLC, having regard to PACE Res 1200 (1999), and Rec 1429 (1999) and Rec 1649 (2004) followed the procedure for the selection of the candidates.</p>	<p>Yes. Published in the specialised “Adliyye” newspaper, in “Adalet”, the Official Gazette of the MoJ and on the websites of the JLC, the Supreme Court and the MoJ.</p>	<p>No. But the selection is carried out following the procedures established for selection of candidates to the position of judge at the national courts.</p>	<p>Yes. Candidates, who meet the requirements of the post of judge on the ECtHR, are interviewed by the sub-committee for selection of candidates of the JLC.</p>	<p>Yes. A call for candidates invites civil society, including NGOs, to submit candidates.</p>	<p>Yes. A group of judges were involved in the procedure as independent experts. JLC and its sub-committee is mainly composed of judges, Representatives of the Bar Association, Prosecutor’s Office and executive bodies.</p>
<p>BELGIUM [04.07.07]</p>	<p>PACE Rec. 1429 (1999) and Rec. 1649 (2004) are observed during the selection procedure. Pre-selection is done by a group of independent experts, the list (containing 5 candidates) is then transmitted to the Council of Ministers, which selects three names and transmits list to CoE. The openness and transparency of the Belgian procedure was acknowledged by the AS/Jur Sub-Committee on the Election of Judges in 2004.</p>	<p>Yes. Public call in specialised press. Letters announcing the vacancy to all universities, to the two national bar associations, the General Prosecutors’ College, the Constitutional Court, the Council of State as well as the Presidents of the Chamber and Senate.</p>	<p>Although the procedure does not have a formal legal basis, there is an established selection procedure in conformity with PACE Rec 1429 (1999) and Rec 1649 (2004)</p>	<p>Yes. Interviews (approx. 45 minutes) held to assess human rights expertise and language abilities by a jury composed of members of the highest judicial instances, parliamentarians, governmental agent, members of the General Directorate (of MoJ), and academics with expertise in human rights.</p>	<p>Yes. Academics with expertise in human rights (See reply to question No. 4).</p>	<p>Yes. (See reply to question No. 1)</p>
<p>BOSNIA AND HERZEGOVINA [08.04.08]</p>	<p>According to Art. 12 of the Law on ministries and other bodies of administration of B and H (Official Gazette) and with the aim to respect and implement the principles of fairness, transparency and consistency, the Ministry of Human Rights and Refugees has initiated the adoption of the Decision of the Council of Ministers on the selection of candidates to international human rights bodies, including the ECtHR.</p>	<p>Yes. Public call (based on aforementioned decision), in daily and weekly newspapers, among universities, and publication of text of Decision on the website of the Ministry.</p>	<p>The selection procedure is formally and legally based on the Decision enacted by the highest executive body – by Council of Ministers of B and H, and was published in Official Gazette and three main daily newspapers in three languages (Bosnian, Serbian, Croatian) and in two different scriptures (Latin and Cyrillic).</p>	<p>Yes. Interviews are conducted, after which the Ministry of Human Rights and Refugees submits the list of the candidates to the Council of Ministers for acknowledgement. Language abilities are tested by way of mandatory presentation of, <i>inter alia</i>, a certificate issued by authorised bodies which certifies the</p>	<p>Yes. Selection procedure includes co-operation with civil society bodies [<i>not clear from reply in what form and at what stage</i>].</p>	<p>N/A</p>

				professional knowledge of one of the CoE working languages.		
BULGARIA [25.09.07]	Selection by MoJ, which, in following PACE Rec. 1429 and Rec. 1649 , made a public call for candidatures. Candidates must submit a CV (in conformity with PACE Res 1200 (1999) – and in Bulgarian as well as one of the two official languages of the Court - and a letter of motivation. In a decision of 2 April 2007, the MroJ established a working group, composed of experts of the MoJ and mandated them to present a list of candidatures. Following this, the MoJ approved the list of candidates, and published it on the Ministry's website (9 candidates in total). The decision of the MroJ of 20 April 2004 resulted in the creation of another working group, mandated to give an advisory opinion on the nomination of the 3 candidates. This working group, composed of five representatives from Academia and the NGO sector and two representatives from the MoJ, recommended three candidates in conformity with the relevant PACE recommendations and Art. 21 of the ECHR . By decision no. 345 of 16 May 2007, the Council of Ministers approved the list, before it was sent to the CoE.	Yes. Public call was made on the internet site of the MoJ, in the largest legal information database on the internet, as well as in the two national dailies	N/A	N/A	Yes. Civil society participation in working group giving advisory opinion on three candidates.	Second working group, created by decision of MoJ, is composed of five representatives from academia and the NGO sector and two representatives from the MoJ.
CROATIA NO REPLY						
CYPRUS [04.09.07]	Public calls for applications set out the qualifications required by candidates, referring to the relevant provisions in ECHR and PACE Rec. 1649 (2004) and CM Res (2004) 50 on the status and conditions of service of judges of the European Court of Human Rights and its appendices.	Yes. The call for candidatures is made public in the Official Gazette of the Republic, on the website of the European Job Mobility Portal (EURES), and communicated to relevant public sector departments,	Selection is made by a 4-member Committee, appointed by the Council of Ministers and composed of the MrFA, who acts as chairman, the MroJ, the AG and the President of the Supreme Court. The selection procedure is	No. the candidates' knowledge of French/English are assessed by reference to their CVs, which must be submitted in French or English; Assessment based also on the language of educational	No.	No. However, the Committee making the selection includes in its membership two independent officers of the Republic, namely the AG and the Supreme Court President.

		as well as, in a very detailed fashion, to independent commissioners engaged in the human rights field. The President of the Supreme Court of Cyprus and the Chairman of the Cyprus Bar Association are also specifically requested by the AG to make the vacancy known to the judiciary and to members of the legal profession.	not specified by legislation.	institutions attended, language courses followed, and through relevant judicial work experience.		
CZECH REPUBLIC [04.01.08]	Seems sufficiently fair, transparent and consistent.	Semi-public call. A call, if not organised completely publicly, is addressed to chairs of highest judicial authorities of the country (i.e. Constitutional Court, Supreme Court and Supreme Administrative Court) as well as to ombudsperson, deans of public law schools and the chair of the Czech Bar Association.	No. However, the addressees of the original call for candidatures are informed about the procedure to be followed.	In the absence of any particular rules of competence, the MroJ, with a panel of his choice, interviews all the candidates (with the exception of those who clearly do not meet the criteria) and presents the names of the three chosen candidates to the Government for necessary approval. Linguistic abilities are assessed according to formal diplomas held by the candidate or with regard to the recommendation made by the authority of nomination.	Yes. Even though the Czech Bar Association and the ombudsperson are bodies established by law, they are quite independent and close to civil society.	No. But this should be seen in the light of other replies to the questionnaire.
DENMARK [03.07.07]	In February 2007, the Danish Government changed the procedures concerning nomination of candidates to ECtHR, by following the PACE Rec. 1649 (2004) , and making a public call for candidatures. The public advertisement set out the criteria enunciated therein, highlighting also Article 21 of the ECHR. The MFA and the MoJ assessed the	Yes. Advertisements were published in the specialised press , on the internet (specific websites for public office and on websites of the two ministries involved). A call for candidatures was also sent to the legal community : law faculties	Follows procedure enunciated above, but there is no legal basis for the established procedure.	No.	No.	No.

	applications before submitting the list of candidates to the Government's "Hiring Committee" – a special committee of ministers responsible for nominating candidates for certain high-level posts – with a recommendation of 3 candidates.	of Danish universities, the Supreme Court, the two High Courts, the Danish Court Administration and the Danish Bar Association. A press release was also issued in Danish newspapers and other media.				
ESTONIA [31.08.07]	The applications received are studied by an Advisory Committee to the MrFA, the members of which include the Chief Justice of Supreme Court, the Chancellor of Justice, the State Secretary and the representatives of the MFA and the MoJ. The requirements for the candidates are based on the recommendations of PACE. 3 candidates are selected and list is submitted by MrFA to the Government for approval.	Yes. Public competition announced in all larger national newspapers.	Yes. Pursuant to the <i>Foreign Relations Act</i> , the MrFA is responsible for organising the selection of candidates for the post of judge at ECtHR, with approval by the MroJ and after consultation with the Advisory Committee members, and shall submit a list of candidates to the Government for approval. The requirements for selection of candidates are based on the PACE recommendation.	Yes. Interviews of short-listed candidates conducted by Advisory Committee to the MFA.	Flexible. The Advisory Committee is free to consult, at any stage, civil society bodies and engage them in the process. The NGOs may also present their expert opinions to the Advisory Committee, in case they deem this necessary.	Advisory Committee (<i>for composition, see reply to question No.1, composed in part of independent experts</i>) decides and elects 3 candidates to be submitted to the Government by the MrFA.
FINLAND [24.09.07]	A panel consisting of the President of the Supreme Court, the President of the Supreme Administrative Court, the Chancellor of Justice, the Permanent Secretary of the MoJ and the Director-General of Legal Affairs of the Foreign Ministry evaluated the candidates to be nominated. It proposed the four candidates deemed the most capable and worthy for the position. The final choice concerning 3 candidates was made by the MrFA.	Yes. A notice was published in the major newspapers, the Official Journal, and main legal press , and on the Foreign Ministry's website, as well as in universities.	No domestic legal provisions providing in particular for the election of judges to the ECtHR. Common and cohesive domestic instructions and rules of proceedings for the nomination of judges for international courts are only under way. A working group was commissioned to prepare a proposal on the development of the national procedure for the selection of judges to international and European courts, including on questions such as launching selection procedure, preparation for	No.	No.	Yes. The Panel is composed of the President of the Supreme Court, the President of the Supreme Administrative Court and the Chancellor of Justice, which are independent in their posts.

			the nomination of candidates, deliberations and decision-making by the government, etc. The purpose of this is to increase transparency.			
FRANCE [15.11.07]	These criteria are guaranteed by the attachment of the French authorities to the principle of independence of magistrates both on the national and international level. The French authorities underscore that the selection procedure currently employed has permitted French judges, on two occasions, to be elected presidents of the ECtHR (Rene Cassin and the current president, Jean-Paul Costa).	No.	N/A	N/A	N/A	N/A
GEORGIA NO REPLY						
GERMANY [14.09.07]	The procedure for selection of candidates is informal. The criteria are met by ensuring that Parliament and the German PACE Delegation are involved at an early stage. The relevant ministries (Justice, Foreign Office, Chancellor's Office) approach possible candidates and seek the opinions of experts and relevant actors in politics and justice, including the relevant Committees in Parliament. The Ministries then agree on a final shortlist, which is communicated to the German PACE delegation by the MoJ, for possible objections and proposals (which may lead to a reconsideration of the list). Finally, the Cabinet takes the final decision about the list of 3 candidates.	No.	No legal basis for informal procedure.	The German PACE Delegation interviews the candidates, if it so wishes.	Not a formal prerequisite. Civil society bodies may, however, be consulted in the phase leading up to the ministries' first shortlist.	No.
GREECE [13.06.08]	N/A	N/A	The Greek Parliament is not aware of there being a special, institutionalized procedure for the election of the judges of the ECtHR. The most recent	N/A	N/A	N/A

			election of a Greek judge to the ECtHR took place in April 2004, however the parliamentary department is not aware of the procedure that was followed in that case.			
HUNGARY [26.09.07]	The national selection procedure for candidates to the ECtHR meets the criteria of fairness and consistency. According to the Hungarian practice, the MroJ and Law Enforcement submits the proposal concerning the 3 candidates after consulting human rights experts. The final decision is taken by the Prime Minister.	No. But the general press informs the public about the vacancy and about the possible candidates as well. Later on the press gives information about the names and the activity of the candidates selected by the Prime Minister. During the whole procedure, the public has detailed information.	Although there is no formal legal basis , the selection follows an established procedure (see No.1)	No. however, in the past, the representatives of the Ministry held consultations with the candidates.	Yes. During the selection procedure, the Minister and or representative of the Ministry consults with civil society bodies.	No.
ICELAND [26.10.07]	N/A	N/A	No specific national selection procedures in place. However, a proposal is made by the MroJ and Ecclesiastical Affairs after consultation with the Icelandic government.	N/A	N/A	N/A
IRELAND [10.01.08]	Ireland adheres to the conditions of fairness, openness and transparency laid down by the CM and PACE. Procedures adopted, and praised by 2004 PACE report, were further strengthened in 2007, by enhancing wider advertising and appointing an independent expert panel to assess applications for nomination.	Yes. Advertised in a range of newspapers and on Foreign Affairs website, as well as in specialised press (Legal Diary). It was also brought to attention of the legal community: professional legal bodies, the heads of the law departments of publicly funded universities, members of the judiciary and the Irish Human Rights Commission	No formal legal basis.	No. Candidates for the position were assessed on the basis of the CV submitted. There was no short listing or interviewing of candidates.	No.	Yes. All applications were reviewed by an expert independent panel of 3 persons appointed by the AG. The panel was comprised of legal experts in a range of areas appropriate to the role of selecting 3 candidates to go forward for election as a judge of the ECtHR in respect of Ireland. The panel's function was to advise the AG on the 3 most suitable candidates. The AG in turn advised the Government, which decided the matter.

ITALY [22.05.08]	Procedures for identifying candidates fall within the sphere of politico-administrative discretion, hence there is no “competitive examination”; nominees are identified on the basis of publicly recognised eligibility requirements.	No. A round of thorough consultations takes place among MoF, MoJ and Office of the President of the Council, each of which carries out a brief but comprehensive review, including in academic circles and the Higher Council of the Judiciary. A short list of candidates is thus established.	No.	No. A formal assessment of eligibility requirements is carried out.	Yes. Within the framework of the review (<i>see reply to question No. 2</i>), parties or associations of members of the Judiciary may also be heard. Consultations are not binding.	No. Procedures for identifying candidates fall within the sphere of politico-administrative discretion.
LATVIA [25.06.07]	Fairness and transparency are guaranteed by the fact that the competition and criteria set for the candidates are announced publicly, and independent experts are invited to participate in interviews with candidates. Candidates are selected by a special committee, which is established by the order of the Cabinet of Ministers which consists of competent experts in law (i.e. MroJ, Chairman of Constitutional Court, Chief Justice of Supreme Court, Prosecutor General, representative of Cabinet of Ministers before international human rights institutions, as well as Chairman of the Saeima Legal Affairs Committee). The final decision is adopted by the Cabinet of Ministers which issues a relevant order, on the basis of which the MFA transmits the list to the CoE.	Yes. Published in newspapers, Internet, and websites of the MoJ, MFA, and Cabinet of Ministers.	The selection procedure is established in the Regulations on Open Competitions for the post of a judge to the ECHR, drafted by the MoJ, approved by the Selection Committee, which is established by order of the Cabinet of Ministers.	Yes. Short-listed candidates are interviewed. Assessment of candidates’ linguistic abilities is included.	Yes.	Yes. Independent experts are invited to participate in the interview of candidates. In addition, selection Committee made up of competent experts, many of whom are independent.
LIECHTENSTEIN [05.10.07]	The responsibility for selecting candidates lies with the MFA. The Head and Deputy Head of Government must agree on these proposals. At the final stage, the entire Government has to agree to the list. With regard to transparency, the Government informs Parliament, on its request, about the state of play of the selection process ; The most important criteria has always been to	No. Not so far, due to limited number of lawyers with experience in international law, in particular human rights law. In addition, when the Parliament inquires about the state of play of the selection process (as it did several times in the past), the national press takes up	The procedure mentioned under 1. has always been the same and is, <i>inter alia</i> , through discussions in Parliament, well known to the public. There is no formal legal basis for this approach.	Yes. The MrFA personally holds interviews with every candidate it regards as qualified for the post. Linguistic abilities are one of the criteria for selection, but are not specifically tested. French and English are compulsory at school.	No.	No.

	put forward highly qualified candidates in order to strengthen the Court and to safeguard the excellent quality of its decisions. Due to the limited number of lawyers with experience in international law, notably human rights law, the Government sometimes actively engages experts from neighbouring countries. However, it is open to everybody to apply, in that respect, the criteria of fairness is met.	the issue.				
LITHUANIA [27.09.07]	No special procedure on the nomination of the judges to the ECtHR prescribed by legal acts. However, the elements of fairness, transparency and consistency are still applied. After the applications have been received, and following consultations with various relevant institutions and organisations, the Prime Minister presents the list of candidates of judges to the ECtHR to the President. The President holds consultations and by a decree nominates the candidatures of judges to PACE.	No.	No formal legal basis. The discussion on the necessity of such procedures is currently ongoing.	N/A	N/A	N/A
LUXEMBOURG [13.09.07]	Transparency is guaranteed through a public call for applications in the press, by initiative and under the control of the MroJ.	Yes. Public call for application in Official Journal of Luxembourg and local newspapers.	No.	No.	N/A	No.
MALTA [29.10.07]	Procedures consist in a public call for candidatures. This procedure was adopted for the first time in 2006.	Yes. Such call was published in all daily newspapers.	No formal legal basis. The selection is made by the Cabinet.	No.	No.	No.
MOLDOVA [28.09.07]	On 14.02.07, the Moldovan government approved decision No 161 establishing a Committee for the selection of candidates to the ECHR (composed of representatives from the legislative, executive and judiciary branches, NGOs, the National Bar Association, and one university representative). In accordance with	Yes. Public call for candidatures in the general and specialised press. The public call was placed on the MoJ's website, as well as published in several specialised journals.	Although there is no normative national act in this matter , the selection of candidates was guided by the relevant PACE documents.	No.	Yes. Civil society implicated in selection procedure (<i>see reply to question No. 1</i>)	No. The national procedure does not envisage the possibility of establishing an advisory opinion from independent experts.

	PACE Rec. 1429 and other relevant documents, the Selection Committee organised the selection and presented a list of candidates to the government.					
MONACO [14.09.07]	Transparency, openness and coherence are ensured in Monaco , as set out in the text for the official call for candidatures, in which it is stipulated that candidates must possess high moral character, bring together the conditions necessary for the exercise of the highest judicial functions or be a jurist having a high reputation, and possess, other than a good knowledge of national law, a solid education and work experience in the domain of human rights. In addition, candidates must use the PACE model CV.	Yes. Public call for candidatures in national newspaper, in the Official Journal, taken up by local media. Given the size of the territory and the number of inhabitants, the information is largely known, in some cases even before the information has been officially diffused.	The CVs are sent to the Minister of State. The government selects three candidates. The selection is done in accordance to criteria set out in European instances, PACE Rec. 1429, the CM response, in particular regarding competence in the domain of human rights and moral qualities. Before they are transmitted formally to the Committee of Ministers with a view to transmission to the Parliamentary Assembly, the list of candidates, in alphabetical order, is sent for possible informal comments to the Ministers' delegates.	Interviews are possible but not systematic. They are used only where the national authorities require complementary information to make a choice.	No.	No.
MONTENEGRO NO REPLY						
NETHERLANDS [25.10.07]	The procedures meet the criteria for several reasons: 1) they are described in detail in a publicly accessible document 2) their particular <i>features</i> (see <i>answers to questions Nos. 2, 4 and 6</i>) The procedures concern not only selection of judges to ECtHR but also to the CFI and ECJ of the European Communities.	Yes. Published in a non-limitative list of legal periodicals. The most recent vacancy was also announced in the general press .	Yes. However, there is no formal legal basis (see in this connection policy document appended to reply, based on an agreement in force since 20.03.2000).	Yes. Interviews with short-listed candidates are conducted by a recommending committee, consisting of the President of Supreme Court, Vice-President of Council of State (or President of Administrative Jurisdiction Division of the Council of State) and a third member, having ample knowledge of and experience in the CoE and or the Court, or in similar international organisations. The interviews include an	This is neither expressly foreseen nor in any way excluded. Under § 4 of the explanatory report appended to reply, the possibility that the recommending committee consult relevant bodies, such as the assembly of presidents of the courts, the association of judges.	Yes. The mission of the recommending committee is to thoroughly prepare and elaborate a recommendation to the two ministers involved. The recommendation should list at least 3 persons. The recommendation is by definition of an advisory nature. The government ultimately decides on the final nomination to the CoE, on the basis of the recommendation. Any deviation from the recommendation should

				assessment of the extent to which the candidates possess all the qualifications, including first of all the requirements set out in Article 21 of the ECHR, supplemented by other qualifications, including linguistic skills.		be motivated.
NORWAY [28.09.07]	Proposals came from individuals as well as institutions; the Ministries also contacted the persons they considered relevant. The relevant candidates were considered by the MFA, the MoJ as well as the Prime Minister's Office. The government made the final decision regarding the nomination of the candidates.	Yes. A joint press release from the MoJ and MFA was released, inviting all interested parties to nominate Norwegian candidates for the position. In this connection, an interview with the MroJ was diffused on national television.	No formalized procedures regarding the selection of candidates for the ECtHR.	N/A	N/A	N/A
POLAND [26.09.07]	The selection of candidates, during a special consultative meeting was made by under-secretaries of state from the MFA and MoJ, authorised, respectively drawn up by their ministers. The list of candidates thus set was presented to the MrFA, who, upon its acceptance, conveyed the list to the Prime Minister for final decision. Subsequently the list was transferred to CoE.	Yes. A public call was announced in national newspaper.	Selection procedure not regulated by Polish law. Selection was established on agreements between the Chancellery of the Prime Minister, the MroJ and the MrFA.	N/A	N/A	N/A
PORTUGAL NO REPLY						
ROMANIA [07.09.07]	The national selection of candidates to ECHR responds to the criteria due to the following: <ul style="list-style-type: none"> - public announcements - human rights experience of candidates - gender balance - knowledge of one of the two official languages (and the capacity to work in one of those two languages) - alphabetical order of candidates 	Yes. During last selection, detailed announcement made on the website of Superior Council of the Magistrate, in addition to announcement in central journal and on the website of Legal Science website (<i>Science juridique</i>).	In conformity with Article 5 of the Order of Government No. 94/1999, approved with modifications by Law No. 87/2001, the selection of candidates is undertaken by the government, following the proposal of the Superior Council, and pursuant to interviews by the Superior Council.	Yes. Interviews held by Superior Council, which is composed of high ranking reputable jurists, following the opinion of the relevant Committees of the Chamber of Deputies and of the Senate. The Superior Council is established by the MroJ, without him participating in the vote.	According to the legal depositions, two members from civil society form part of the Superior Council.	No.

RUSSIAN FEDERATION [07.09.07]	The criteria are ensured by the interdepartmental agreements on the candidatures offered by the state structures and academic institutes, in full conformity with Article 21 ECHR.	No.	The selection is carried out under the Regulation on the Interdepartmental Commission of the RF on CoE affairs approved by the President of the RF (Decree of the President of the RF of 28.12.1996, No 1783 – in version of Decrees of the President of the RF No. 201 of 10.03.1997 and No. 1429 of 25.10.1999). The final approval of the candidates is made by the President of the RF.	Yes. Interviews are conducted by members of the Interdepartmental Commission on the CoE. These include an assessment of candidates' linguistic abilities.	No.	No.
SAN MARINO [04.04.08]	The selection of candidates to the ECtHR is done with respect of the criteria of fairness, transparency and coherence, in accordance with the PACE Rec. 1649 and CM response (2005).	Yes. A public call was organised by communication of the MrFA, in the press and television and posted on the door of the Public Palace.	<i>(See reply to previous questions.)</i>	In the last round, no interview was necessary as only three candidates applied for the post of judge.	The country is small and the delegation considers the forms of publications foreseen sufficient to inform all potential candidates.	<i>See reply to question No. 4.</i>
SERBIA [12.11.07]	At the proposal of MFA, the Ministerial Council of [the former] S and M set up a 3-member Commission with mandate to issue a public call for candidatures, to implement the procedure and select three candidates. Followed the PACE and ECHR guidelines on selection, in particular, deadline for applications, balanced representation of sexes, one candidate from Serbia and one from Montenegro, language proficiency, other requirements of PACE recommendation, such as human rights experience.	Yes. Published in the Official Gazette of Serbia and Montenegro and on MFA website.	Currently, there is no formally established procedure for the candidate selection for the ECtHR. Followed PACE and ECHR guidelines <i>(see reply to question No. 1)</i> . The procedure for electing candidates of the Republic of Serbia is to be adopted.	N/A	Yes. One of the members of the Commission is from civil sector.	Composition of Commission: 1 representative from civil sector, 1 representative from legal academic profession and 1 from MFA.
SLOVAK REPUBLIC [28.09.07]	The selection procedure of candidates for the post of judge at the ECtHR is based on criteria of justice, transparency, perseverance and determined principles. The candidate for judge is not elected publicly. The Judicial Council of the Slovak Republic	N/A.	N/A.	Yes. Interviews are conducted, during which the candidate presents to members of the Judicial Council his/her CV. The interview is chaired by the President of the	Yes. Judicial Council, or, as the case may be, by other individuals invited to the meeting of the Judicial Council with its approval. Those consultations are performed at the	Yes. This follows from the composition of the Judicial Council consisting of 8 members elected by judges, 3 members appointed by the President, 3 members

	elects the candidate for judge in camera. The proposal for candidates can be submitted to the Judicial Council only by: a member of the Judicial Council, the MroJ, a professional organisation of judges and other professional bar associations.			Judicial Council and includes testing of verbal expression skills of candidates.	professional level, within the extent of the valid legal regulations in the EU [SC: not clear from questionnaire whether selection procedures specific to candidatures for ECtHR or for all European judicial institutions].	appointed by the National Council of the SR (Parliament) and 3 members appointed by government.
SLOVENIA [19.09.07]	Candidates for international court judges are elected by the National Assembly by secret ballot with a majority vote of all deputies. The procedure for the nomination and election of candidates for judges is determined by the Act on Nomination of Candidates from the Republic of Slovenia for Judges at International Courts. The candidacy for ECtHR judge post may be presented by persons meeting the requirements for election to judge of the Supreme Court or Constitutional Court. If the candidate for judge of the international court is not elected, new elections are held based on new candidacies.	Yes. Public calls are announced by MoJ in the Official Gazette of the Republic of Slovenia - At least 6 months prior to expiry of office of incumbent judge, and no later than 15 days after the reasons for public call have arisen. - According to the Act, the public call's deadline should not be less than 15 days.	The nomination and election procedure for judges is provided by the Act, mentioned previously.	No. The Act does not provide for interviews. As regards the candidates' linguistic abilities, the Act provides that candidates should, in addition to other requirements, also meet the requirement of active knowledge of the language or one of the languages used as official language by the international court in question.	No. The Act does not provide for it.	No. The Act does not provide for it.
SPAIN [04.02.08]	No formalised procedure.	No.	No.	No.	No.	No.
SWEDEN [30.08.07]	Judges appointed to the highest posts are said to be "called", while other judge posts are filled after an application procedure. The procedure used in the selection of candidates for the ECtHR is very similar to "calling", i.e. higher threshold. The MoJ, supported by the Court of Justice, is responsible for selecting candidates for "calling" positions. Such an appointment is normally initiated by the Court contacting the Ministry. The Court may have submitted nominations or indicated desirable areas of knowledge. Members of the Supreme Court and the Supreme	No.	The consideration of candidates should be regarded as well-known in advance among potential candidates.	No.	The procedure naturally includes contacts with people able to provide information of value in such consideration.	No.

	<p>Administrative Court may also have submitted proposals for suitable candidates. The various suitable candidates are also discussed with the Head of the Court with the vacant position.</p> <p>If recruitment is outside of traditional career path of judiciary, representatives of the legal profession or the prosecution may be consulted.</p> <p>Procedure subject of inquiry in recent years [SOU 2000:99], and proposals include setting up of an independent body in the form of a nominations board, and public announcement of all vacant positions. Government's powers of appointment are currently under consideration within the framework of the Committee of Inquiry under the Constitution.</p>					
<p>SWITZERLAND [04.10.07]</p>	<p>The procedure fully meets the requirements of PACE Rec 1649 and CM reply to the latter.</p>	<p>Yes. Published in the press in the three official languages of the country</p>	<p>The procedure put into place by the Government fully meets the requirements of CoE recommendations. In 2005/06, these procedures had not been made public beforehand since the first phase, the nomination of the three candidates, is the competence of the federal government.</p>	<p>Yes. After the confidential nomination of candidates by the federal government, two Parliamentary committees including the Swiss delegation to PACE, hold interviews with all candidates and give their opinion before the list is submitted to PACE. Assessing linguistic abilities was not considered necessary.</p>	<p>No.</p>	<p>No.</p>
<p>"THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA" [10.10.07]</p>	<p>The procedure follows the principles of rule of law, non-discrimination, and transparency and is conducted in accordance with the PACE Rec 1649 (2004).</p>	<p>Yes. On the basis of Art. 22 of the ECHR, the Committee on Election of Three Candidates for Judges to the ECtHR makes a public call in the daily newspapers.</p>	<p>On the basis of Art. 55 of the Law on Organization and Functioning of the Bodies of State Administration (Official Gazette of the Rep of Macedonia No 58/2000 and 44/2002), the MroJ adopts a decision for setting up a Committee on</p>	<p>No. The Committee reviews the CVs of the candidates and their extensive letters of motivation.</p>	<p>No.</p>	<p>The Committee is composed of:</p> <ul style="list-style-type: none"> - MroJ - Judge of the Constitutional Court - Director of the Academy for Training Judges and Prosecutors - Member of the Parliamentary Standing

			Election of Three Candidates for Judges to the ECtHR.			Committee for Protection of Civil Rights and Freedoms - University Professor - State Advisor from the MFA - Head of Department in the MoJ
TURKEY NO REPLY						
UKRAINE [05.06.08] See PACE Docs. 11359 and 11446.	In the selection process the Government of Ukraine made the maximum effort to ensure full impartiality and transparency of the process. The selection process was carried out by the Selection committee established by the Government for this very purpose in March 2007 (see Resolution of the Cabinet of Ministers of Ukraine of 21.03.2007, No 524). The Selection committee was composed of representatives of the MoJ, MFA, the Constitutional Court of Ukraine, the Supreme Court of Ukraine, specialised committees of the Verkhovna Rada of Ukraine, Ukrainian Parliament Commissioner for Human Rights, and of a Ukrainian non-governmental organisation.	Yes. The call for candidates was issued through the official gazette "Uriadovyi Kurier", as well as the official website of the MoJ.	(See reply to question No. 1)	Yes. Language abilities were assessed by way of a formal test and interviews were conducted.	(See reply to question No. 1)	(See reply to question No. 1)
UNITED KINGDOM [23.10.07]	These requirements have been met through the national procedures (see answers to following questions). In its report of 26.04.2004 on the election of the judges to the ECtHR, PACE's Committee on Legal Affairs and Human Rights commented that the UK list met the necessary formal conditions. The Committee found that the procedure at national level in the UK respected the principle of transparency, and that the candidates were all of a very high standard.	Yes. In 2004 a public advertisement was posted in the general press (in London, Edinburgh and Belfast).	No. there is no formal legal basis or any <i>established</i> procedure. It is an administrative process, which, in 2004, was similar to the pattern previously used for election to the ECtHR and for other international tribunals such as the ECJ and ICC.	Yes. In 2004, an independent panel interviewed those short listed. The interviews were carried out in English, with assessment of proficiency in French.	No.	Yes. The independent panel examined the applications, short-listed candidates, and conducted the interviews. Its remit was to draw up a list of 3 candidates as required under the Convention, and to submit it for approval to the Secretaries of State for Constitutional, Foreign and Commonwealth Affairs. Its recommendations were followed (although not binding, they were accorded great weight).

						<p>In the case of the last ECtHR election in 2004, the panel consisted of the Permanent Under-Secretary of the then Department for Constitutional Affairs (now MoJ), the Legal Adviser to the Foreign and Commonwealth Office, two senior judges (one from England/Wales and one from Scotland), and a former Chairwoman of the Equal Opportunities Commission.</p>
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