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21 September 2006

National Selection Procedures for Candidates for the European Court of Human Rights

Motion for a recommendation
presented by Mrs Bemelmans-Videc and others

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

1. The Parliamentary Assembly recalls the requirements laid down in Article 21 of the European Convention of Human Rights regarding the criteria for office of judges to the European Court of Human Rights.
2. Reaffirming its position expressed in Recommendation 1649 (2004), it stresses that:
 - 2.1. The independence of the European Court of Human Rights is indispensable for the protection of human rights and fundamental freedoms throughout Europe.
 - 2.2. In order for the European Court of Human Rights to continue to inspire confidence, the process by which candidates for the office of judge to the Court are selected must itself inspire confidence.
 - 2.3. The process of appointment must reflect the principles of democratic procedure, the rule of law, non-discrimination, consistency, accountability and transparency.
3. The Assembly regrets that the Committee of Ministers, in its reply to Recommendation 1649 (2004) with regard to national selection procedures, found the recommendation concerning such procedures for the selection of candidates “to be excessively prescriptive concerning the precise means of their implementation”, and considers that the Assembly’s recommendation leaves sufficient room “so as to allow for differences of national systems and the exercise of sovereignty”, as requested by the Committee of Ministers.
4. It welcomes the suggestion by the Committee of Ministers that an “independent body” shall be involved in the national nomination process, which would offer its views as to the relative merits of the three candidates retained.
5. The Assembly is committed to promoting fair, objective and transparent national selection procedures and invites the Committee of Ministers to reconsider its response to Recommendation 1649 (2004) as regards this vital component of the appointment procedure.
6. It therefore insists on the need to outline minimum standards for national nomination procedures to ensure that the Court’s credibility and authority are not put at risk by *ad hoc* and politicised processes in the nomination of candidates.

Signed (see overleaf)

*Signed*¹:

BEMELMANS-VIDEC, Marie-Louise, Netherlands, EPP/CD
ATEŞ, Abdülkadir, Turkey, SOC
CHOPE, Christopher, United Kingdom, EDG
CHRISTMAS-MØLLER, Pia, Denmark, EPP/CD
CILEVIČS, Boriss, Latvia, SOC
FRUNDA, György, Romania, EPP/CD
GREBENNIKOV, Valery, Russian Federation, EDG
JURGENS, Erik, Netherlands, SOC
KELEMEN, András, Hungary, EPP/CD
LEUTHEUSSER-SCHNARRENBERGER, Sabine, Germany, ALDE
LLOYD, Tony, United Kingdom, SOC
MANZELLA, Andrea, Italy, SOC
MARTY, Dick, Switzerland, ALDE
McINTOSH, Andrew, United Kingdom, SOC
MERCAN, Murat, Turkey, EPP/CD
MOONEY, Paschal, Ireland, ALDE
PFLUG, Johannes, Germany, SOC
POURGOURIDES, Christos, Cyprus, EPP/CD
Van den BRANDE, Luc, Belgium, EPP/CD
VAREIKIS, Egidijus, Lithuania, EPP/CD

¹ SOC: Socialist Group
EPP/CD: Group of the European People's Party
ALDE: Alliance of Liberals and Democrats for Europe
EDG: European Democratic Group
UEL: Group of the Unified European Left
NR: not registered in a group