

## APPENDIX 4

### **Rules of Procedure of the Assembly**

(Resolution 1202 (1999) adopted on 4 November 1999)  
with subsequent modifications of the Rules of Procedure\*

#### **EXTRACT**

#### **v. CANDIDATES FOR THE EUROPEAN COURT OF HUMAN RIGHTS**

##### **Resolution 1366 (2004)**

##### **as modified by Resolution 1426 (2005) and Resolution 1627 (2008)**

1. The Parliamentary Assembly, referring to its Recommendation 1649 (2004), continues to support the procedure by which candidates are asked to complete a standard curriculum vitae; it believes that the model to be used should be reviewed by the Sub-Committee on the Election of Judges to the European Court of Human Rights and that proposals for modification should be reported to the sub-committee for adoption by the Assembly.

2. The Assembly remains convinced that the twelve-month timetable it has adopted provides a practical model for all participants, but resolves nevertheless to keep its targets under review.

3. The Assembly decides not to consider lists of candidates where:

- i. the areas of competence of the candidates appear to be unduly restricted;
- ii. the list does not include at least one candidate of each sex, except when the candidates belong to the sex which is under-represented in the Court, i.e. the sex to which under 40% of the total number of judges belong;
- iii. the candidates:
  - a. do not appear to have sufficient knowledge of at least one of the two official languages, or
  - b. do not appear to be of the stature to meet the criteria in Article 21, paragraph 1, of the European Convention on Human Rights.

4. The Assembly decides to consider single-sex lists of candidates of the sex that is overrepresented in the Court in exceptional circumstances where a Contracting Party has taken all the necessary and appropriate steps to ensure that the list contains a candidate of the underrepresented sex, but has not been able to find a candidate of that sex who satisfies the requirements of Article 21 § 1 of the European Convention on Human Rights.

Such exceptional circumstances must be duly so considered by a two-thirds majority of the members casting a vote and a majority of the members entitled to vote of both the Sub-Committee and the Committee on Legal Affairs and Human Rights. This position shall be ratified by the Assembly in the framework of the Progress Report of the Bureau of the Assembly.

\* Resolutions 1220 (2000), 1234 (2000), 1235 (2000), 1266 (2001), 1275 (2002), 1284 (2002), 1296 (2002), 1325 (2003), 1343 (2003), 1348 (2003), 1356 (2003), 1368 (2004), 1369 (2004), 1379 (2004), 1395 (2004), 1431 (2005), 1432 (2005), 1445 (2005), 1447 (2005), 1448 (2005), 1490 (2006), 1491 (2006), 1503 (2006), 1504 (2006), 1515 (2006), 1529 (2006), 1554 (2007), 1583 (2007), 1584 (2007), 1585 (2007)

5. The Assembly continues to believe that the process of interview provides additional insight into the qualities of the candidates and decides:

i. that nominated candidates should be informed as far as possible of the purpose of the interview and procedures for its conduct;

ii. that alternative locations for interviews should be considered if there is a valid reason for holding interviews outside Strasbourg and Paris;

iii. that further staggering or additional sessions of the sub-committee might permit an extension of the time available for each interview;

iv. that the political groups, when nominating their representatives to the sub-committee, should aim to include at least 40% women, which is the parity threshold deemed necessary by the Council of Europe to exclude possible gender bias in decision-making processes;

v. that candidates should be made aware of the criteria employed by the sub-committee in reaching its decision;

vi. that one of the criteria used by the sub-committee should be that, in the case of equal merit, preference should be given to a candidate of the sex under-represented at the Court;

vii. that a fair and efficient interview process requires a continuous process of training and re-assessment of the members and staff involved in selection panels;

viii. that the obligation to promote an open and transparent process might require the subcommittee to give reasons for its recommendations and ranking of candidates;

ix. that it would be desirable to provide timely feedback to both the individual candidate and the nominating state.

6. The Assembly refers to its report<sup>1</sup> on the procedure for elections held by the Parliamentary Assembly other than those of its President and Vice-Presidents, which is currently under preparation in the Committee on Rules of Procedure and Immunities, which aims at changing the procedure for the elections, for example by removing the requirement for a second ballot when a candidate fails to receive an overall majority on the first ballot or in the event of a tied result.

7. The Assembly, being concerned to ensure the independence and impartiality of judges, considers that their appointment should run for nine years non-renewable.

8. The Assembly decides to investigate at national and European level what obstacles currently exist to the nomination of women candidates, what measures could be taken to encourage female applicants, and to consider setting targets for achieving greater gender equality in the composition of the Court.

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<sup>1</sup>. See appendix to Resolution 1432 (2005), p. 162 above.