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Need to reinforce the independence of the European Court of Human Rights

Motion for a resolution

tabled by Mr Boriss CILEVIČS and other members of the Assembly

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

The authority and effectiveness of the European Court of Human Rights is contingent on the genuine independence of the judges, backed-up by a professional non-partisan registry providing support to the judges of the Court.

However, the 9-year non renewable duration of office, introduced by Protocol No.14 to the European Convention on Human Rights, may not have completely eliminated the leverage governments might have on judges during their term of office and upon its expiration. A number of judges are still relatively young and are not going to retire upon completion of their 9-year term of office.

Also, the Brighton Declaration of 20 April 2012, adopted at the recent Conference on the Future of the European Court of Human Rights, underlined the need of maintaining a high-quality Registry, with lawyers chosen for their legal qualifications and knowledge of the law and practice of States Parties, and encouraged greater use of secondments of national judges and lawyers (see paragraphs 22 and 20 (g)). But situations may occur in which serious complaints against a given State may be dealt with by a seconded judge/lawyer who is paid by the State against which applications are lodged and/or whose professional career may depend on the State concerned. Such a situation may create an intrinsic conflict of interest that can have an adverse impact on the effective independence of the Court.

These issues deserve careful study by the Parliamentary Assembly.

Signed (see overleaf)

*Signed*¹:

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1. EPP/CD: Group of the European People's Party
SOC: Socialist Group
ALDE: Alliance of Liberals and Democrats for Europe
EDG: European Democrat Group
UEL: Group of the Unified European Left
NR: Representatives not belonging to a Political Group