

CDDH comments on Parliamentary Assembly Recommendations 2051(2014) – “Reinforcement of the independence of the European Court of Human Rights”

CDDH: 82nd meeting – 19/21 November 2014 CDDH(2014)R82

1. The Steering Committee for Human Rights (CDDH) takes note of Parliamentary Assembly Recommendation 2051(2014) on the ‘reinforcement of the independence of the European Court of Human Rights’. It recalls the emphasis placed on this important issue in the declarations adopted at the successive Interlaken, Izmir and Brighton Conferences, reflected also in its own relevant activities.
2. As regards the Sixth additional Protocol to the General Agreement on Privileges and Immunities of the Council of Europe (CETS No. 162), the CDDH notes that only two member States have not yet ratified it, although one of them had ratified both of its predecessor instruments in this field¹. The CDDH therefore concurs with the Parliamentary Assembly’s encouragement to member States that have not yet done so to ratify CETS No. 162.
3. As regards issues concerning social security and retirement, the CDDH recalls the discussions in the Ministers’ Deputies following the presentation by the President of the Court of a “Comparative survey on the recognition of service as a Judge of the European Court of Human Rights”. It notes that the Ministers’ Deputies at their 1195th meeting, from 19 to 20 March 2014,² subsequently adopted decisions on the matter, including to resume consideration of it before 31 December 2015.
4. Finally, as regards the question of the Court’s budget, the CDDH notes that it envisages evoking this issue in its final report on the longer-term future of the Convention system and the Court, to be submitted to the Committee of Ministers by the end of 2015.

Recommendation 2051(2014)

Final version

Reinforcement of the independence of the European Court of Human Rights

Parliamentary Assembly

1. The Parliamentary Assembly refers to its [Resolution 2009 \(2014\)](#) on the reinforcement of the independence of the European Court of Human Rights and invites the Committee of Ministers to:

¹ Fourth and Fifth additional Protocols to the General Agreements on Privileges and Immunities of the Council of Europe (CETS Nos. 036 and 137).

² Decision CM/Del/Dec(2014)1195/4.3

- 1.1. encourage member States who have not yet done so to ratify the Sixth Protocol to the General Agreement on Privileges and Immunities of the Council of Europe (ETS No. 162);
 - 1.2. in so far as social security and retirement pensions of judges are concerned, review present arrangements with a view to offering judges more flexibility;
 - 1.3. in so far as the status of judges at the end of their term of office is concerned, actively pursue the recent initiative it has taken in this respect and ensure that follow-up is provided by States, as appropriate, at the national level.
2. The Assembly stresses that the independence and authority of the Court are contingent on the political will and commitment of all member States, in particular through the Organisation's executive organ, to ensure that the Court is provided with the financial means to effectively implement its human rights mandate.