

Enhancing the selection process of European Court  
of Human Rights judges through multi-institutional dialogue

**SEMINAR MARKING THE 15 YEARS OF THE ADVISORY PANEL'S WORK**

27 November 2025, Strasbourg

LOOKING AHEAD: ENHANCING THE ELECTION PROCEDURE AND THE  
ADVISORY PANEL'S EVOLVING ROLE

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1. I feel privileged to address you today. However, I have to be frank: it is not an easy task to speak, as a serving judge, on this subject. Drawing on my personal experience, I was elected under the new procedure. I have shared this with colleagues: I felt very safe, procedurally, knowing that I would be interviewed and that my application would be assessed by the Advisory Panel of Experts on Candidates for Election as Judge to the European Court of Human Rights (the 'Advisory Panel') and then by the Committee on the Election of Judges to the Court of the Parliamentary Assembly of the Council of Europe (the 'Committee').
2. Accordingly, I felt reassured when I was taken out of the exclusive control of national procedures, which, in Montenegro, I must note, were conducted internally in a thorough and transparent manner up to the point at which the list was established.
3. I would also like to express my appreciation at seeing judges of the European Court of Human Rights (the 'ECtHR' or 'Court') present here today, despite their very demanding agenda and the fact that deliberations are currently under way in several particularly sensitive Grand Chamber cases. For this reason, I was unable to join you this morning due to workload constraints. However, I am very pleased to note that the President of the ECtHR, Mr Mattias Guyomar, was able to be with you and conveyed a strong message regarding the Court's position.
4. When we speak about the Court, we refer to an institution whose strength depends fundamentally on the quality of its judges. The Court's ability to interpret and develop the European Convention on Human Rights (the 'Convention'), to resolve sensitive legal questions, and to maintain the trust of 700 million Europeans all rely

on the professionalism, independence, integrity, and moral authority of the women and men who sit on our bench.

5. We are all aware that judicial independence is facing increasing challenges across Europe. At the Court, we are very well aware of the importance of the work carried out by the Advisory Panel, of the Committee, and the Parliamentary Assembly of the Council of Europe (the 'PACE').
6. Within the Advisory Panel, there are members who are former judges of the Court as well as former members of the Court's Bureau. This is essential, given their experience and firsthand understanding of the challenges that serving judges face in responsibly addressing their duties.
7. In this respect, the Advisory Panel is not a superfluous structure; it is not an administrative formality. Judges of the Court do not endorse that view at all. For the Court, the Advisory Panel is a central pillar of the system of checks and balances. It is an essential component of the Convention system's constitutional structure.
8. I was very pleased to hear that some amendments and changes are envisaged, which will further improve an already excellent working procedure. What I have learnt from my experience and my colleagues' experience is that the Advisory Panel contributed to procedural consistency, as national procedures previously varied. It has also contributed to transparency, a gender-balanced approach, and public confidence.
9. It is also evident that the Advisory Panel has enriched inter-institutional dialogue, as we share a common goal while performing different tasks at different stages of the process.
10. The existence of the Advisory Panel has promoted better national procedures. Drawing on my own experience, I can attest that it truly works. Sometimes it takes time, but it is better to prioritise a high-quality list than to simply fulfil a formal procedural requirement.
11. The quality of each court of judges shapes the court's direction for nearly a decade. The Court has the privilege, but also the huge responsibility, of being at the centre of Europe's human rights architecture. It is sometimes a great, but not unbearable,

burden that judges carry with dignity, independence, knowledge, and responsibility, especially in times of populism when attacks sometimes come from a misunderstanding of the very idea of judicial independence, I dare to say.

12. If the judgments of the Court are to remain authoritative, if its reasoning is to be respected and its voice is to carry moral force and moral power, then every appointment must strengthen its intellectual and ethical foundations.
13. The Advisory Panel ensures that this is the case. I appreciate that there are sometimes divergences of views between the Advisory Panel and the Committee, but this is an evolving partnership, and the Advisory Panel's advice is independent: it is not binding, but it is deeply valued and valuable.
14. In this context, we find ourselves acting in the spirit of collective responsibility, supported by a specific mechanism designed to preserve the authority and excellence of the ECtHR.
15. Now I would like to share some facts regarding challenges facing the Court and its judges.
16. The Convention system operates on the basis of the principle of shared responsibility: the High Contracting Parties nominate, the Panel evaluates, PACE elects, and the Court exercises its mandate independently. This separation of functions preserves judicial quality and independence. However, delays happen, and since I joined the Court a little more than seven years ago, several colleagues have remained in office not only for ten years, but in some cases for thirteen or fourteen years, due to procedural delays at the national level.
17. The practical consequences of delays and deficiencies in national procedures create many issues at the operational level. Imbalances in the composition of the judiciary and vacancies disrupt the composition of sections and judicial rotation under Article 26 of the Convention.
18. This is the second time that we do not have, in our section, a judge from a particular country, so we operate with that deficiency. We overcome this applying the rules concerned. But in the last case, a colleague whose mandate had expired did not want to continue serving as a ECtHR judge after her mandate. I fully appreciate this: she has her life back home, and she had previously served as a judge at the

national level, so she had to take her judicial function back there. As a result, we do not currently have a national judge in respect of that country.

19. There is a second point to consider: the increased workload, resulting delays. This places an additional burden on the remaining judges and affect the Court's ability to comply with the "reasonable time" requirement under Article 6 of the Convention.
20. At times, even judges who remain in office beyond the nine years are unable to assume all roles. In particular, as we know from our internal practice, they cannot take part in every working group as their mandate is technically replaceable at any moment.
21. The consequences of deficient national procedures become even more challenging over time. Flawed procedures often result in lists being returned, prolong the filling of vacancies, and weaken representation. And while an ad hoc judge serves as a safeguard, it cannot replace the contribution of a permanent judge to the Court's institutional life.
22. These are only some of the challenges, and I was very happy to learn from Ms Petra Bayr, the Chairperson of the Committee, that there are concrete proposals to address them.
23. I am not going to speak now about whether the term of nine years is sufficient; that is not relevant for today's discussion. What matters is that the mandate lasts for a certain period and that there should be a mechanism to prevent the unlimited stay of any judge. This is in accordance with the rule of law and equality, because judges are not equal if, out of 46, one or several can serve for fifteen years. They are also not in a comfortable position to continue in an office, having reached the end of their judicial mandate.
24. Another point concerns the protection of serving judges from threats. We are among the most vulnerable judges for many reasons. Human rights are not very popular, especially in times of populism, when politics sometimes takes over justice. Our judges receive threats: not daily, but regularly. Our names, for transparency and integrity, are publicly accessible. For example, everyone knows who the single judge is assigned to a given country. We all serve as single judges,

and some of us as duty judges for interim measures. High Contracting Parties must remain mindful of this and protect serving judges from unlawful threats and attacks.

25. Finally, the post-mandate situation is another point of vulnerability for judges of the Court. The post-mandate experience of many judges shows that, unless they were already established academics, they may be unable to return to their previous positions or may face prolonged delays, especially if their independent work managed to antagonise their own government. This should ring alarm bells for the future, as the Court carries out its duties on behalf of us all.

26. I am very thankful for having been invited to this conference, and I would like to extend my congratulations on the 15th anniversary of the Advisory Panel and to convey my best wishes for the continued success in its role in assisting PACE in safeguarding the quality of the Court's future judges.

27. Thank you.