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

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Interpretation and Application of Article 21(1) of the European Convention on Human Rights: Criteria in Practice

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> *"The overall success of the Convention system depends on the confidence in the judicial authority of the Court. …. [I]t is crucial that the Court be composed of judges with the necessary breadth and depth of professional experience, so that their judgments can attract the respect and confidence of their peers in national supreme and constitutional courts."*
> (6th activity report prepared by the Advisory Panel of Experts for the attention of the Committee of Ministers, 5 November 2025, §135)

I. INTRODUCTORY REMARKS

The minimum eligibility conditions for figuring on a list of candidates for appointment as a judge on the European Court of Human Rights ("the Court") are in effect set out in Article 21§1 of the European Convention on Human Rights ("the Convention"), which provides: *"The judges shall be of high moral character and must either possess the qualifications for appointment to high judicial office or be jurisconsults of recognised competence."* What is provided for under Article 21§1 is thus a requirement of a personal nature, followed by a requirement to have a professional qualification of a certain standard in one or other of two legal fields.

This provision in the now 75-year-old Convention was not a novel text devised by the Council of Europe in 1950 but was modelled on the equivalent provisions laying down the qualifications for being appointed a judge to the International Court of Justice and to that court's predecessor, the Permanent Court of International Justice – the latter provision dating from 1926.[1] Insofar as it dates from another age, the wording of Article 21§1 poses some problems of comprehensibility for the modern reader, especially since there is no accompanying definitional specification of the very general and somewhat antiquated concepts of *"high moral character"*, *"possess[ing] the qualifications for appointment to high judicial office"* and *"be[ing] a jurisconsult of recognised competence"*. What precisely do they

[1] For a discussion of the historical precedents of the eligibility conditions as formulated in Article 21§1 of the Convention, see Christoph Grabenwarter and Matti Pellonnpää (both former members of the Panel), "'High Judicial Office' and 'Jurisconsult of Recognised Competence': Reflections on the Qualifications for Becoming a Judge at the Strasbourg Court", *ZaöRV*, vol. 80, 2020, pp. 1-22.

mean in the concrete context of each of the modern career paths of proposed candidates in the lists submitted by the governments to the Advisory Panel?

The requisite confidentiality of its proceedings[2] prevents the Panel from rendering public its opinions and its reasoning in relation to specific lists of candidates.[3] But in its Short Guide (published in 2020)[4] and its periodic activity reports to the Committee of Ministers, which are available to the public, the Panel has provided, together with illustrative, anonymised examples of different kinds of situations, generalised explanations of the interpretative criteria and the internal practice that it has developed over time for evaluating compliance of proposed candidatures with the qualifying conditions enunciated in Article 21§1 of the Convention. What one might call a "jurisprudence" on the interpretation and application of the somewhat imprecise eligibility concepts under Article 21§1 is progressively and steadily being built up by the Panel.

The intention is that the summaries furnished in the Short Guide and the periodic activity report will provide as much transparency as is compatible with the confidentiality rule governing the Panel's activity and that, at the same time, they will serve the practical purpose of providing national selection bodies with authoritative expert guidance in carrying out their task of drawing up the list of candidates. It has been suggested that, at least in the long term, these two public documentary sources could usefully be complemented by a publicly consultable, anonymised database of all the Panel's "jurisprudence".

The first part of the following presentation is devoted to a descriptive summary of the current state of play regarding the *"criteria in practice"* which are applied by the Panel for evaluating whether proposed candidates on a list submitted to it by a government can be considered to be properly qualified to serve as a judge on the Court. This summary draws heavily on the Panel's Short Guide[5] and its recently published sixth report (which covers the three-year period from 1 July 2022 till 30 June 2025). Thereafter a few comments are offered by way of stocktaking.[6]

II. THE CURRENT STATE OF PLAY

1. Sources of information[7]

In addition to the curricula vitae of the proposed candidates and the other information provided by the governments, the Panel on occasions receives unsolicited material from various sources (for example, non-governmental organisations and individuals, including unsuccessful applicants for being a candidate).

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[2] Rule (x) of the Panel's Operating Rules, appended to the Committee of Ministers' Resolution CM/Res(2010)26 of 10 November 2010 setting up the Panel.

[3] One interesting proviso is noted at 6th activity report, §20 *in fine*: "*The confidentiality of the Panel's proceedings does not, however, prevent a government from informing national selection bodies of the content of the Panel's final views, notably in instances where those views have been negative in respect of the qualifications of certain candidates [proposed] …"*

[4] Full title: A Short Guide on the Panel's role and the minimum qualifications required of a candidate.

[5] The Short Guide indicates that inspiration in its drafting was derived from the article by Grabenwarter and Pellonnpää, cited at footnote 2 above.

[6] The present article also draws on a previously published short study by its author: Paul Mahoney, "The Advisory Panel of Experts on Candidates for Election to the European Court of Human Rights", *European Convention on Human Rights Law Review* 4 (2023) 1-10.

[7] See 6th activity report, §§18, 32.

The Panel will not express an unfavourable opinion as to a proposed candidate's character or professional qualifications solely on the basis of information received from third parties. However, it may put questions to a government in the light of unsolicited representations insofar as that appears appropriate in order to seek clarification on some issue. The final assessment of a proposed candidate's suitability is based on the material supplied by the government concerned[8] (including the latter's responses to the Panel's questions) as well as on relevant notorious information in the public domain[9] (for example: a proposed candidate's own public statements; or facts documented in resolutions and reports of the Parliamentary Assembly of the Council of Europe; or findings made in judgments by the Court or other international or supranational courts such as the Court of Justice of the European Union).

2. The first eligibility condition: *"be[ing] of high moral character"*[10]

As key components of this eligibility condition, the Panel's early activity reports mentioned qualities such as integrity, a high sense of responsibility, courage, dignity, diligence, honesty, discretion, respect for others and the absence of conviction for crimes, as well as (obviously) independence and impartiality.[11]

No illustrative examples were given, however. This is because, in the nature of things, the Panel has to assume that these personal qualities are possessed by the candidates. Unlike its elder sister, the European Union's Article 255 Committee, the Advisory Panel is not empowered to convene the proposed candidates for interview and their character is hardly ever open to being assessed on the basis of what appears in the self-drafted curriculum vitae.

Not surprisingly, issues concerning a candidate's *"high moral character"* have rarely arisen. One notable exception is an instance in which the Panel was satisfied in the light of manifest objective evidence that serious doubts existed as to the independence and impartiality of proposed candidates in relation to the government nominating them.[12] In other words, the Panel found that the usual presumption was rebutted in the wholly exceptional circumstances of the particular case.

3. General considerations concerning the second limb of Article 21§1 setting out the dual condition of professional eligibility[13]

The condition of professional eligibility under both its heads has been understood by the Panel as requiring relevant legal experience of long duration, including at high level. The reason for this being the vital need to ensure the authority of the Court and the confidence in the quality of its judges, principally on the part of the national superior courts, whose judgments the Court in Strasbourg may in effect overrule, but also, more generally, throughout the community of Convention States.

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[8] As required by rule (vii) of the Panel's Operating Rules.
[9] As specified in rule 5 of the Panel's supplementary operating rules (reproduced as appendix III to 6th activity report).
[10] See 6th activity report, §§80-85.
[11] The requirement of *high moral character"* under §1 of Article 21 is to be read in conjunction with §§2 and 3 of the same Article, which respectively speak of judges sitting on the Court *"in their individual capacity"* and of the judges' *"independence and impartiality"*.
[12] See 6th activity report, §§82, 138 *in fine*.
[13] See 6th activity report, §§86-91.

Whatever the professional career path of the individual concerned, the Panel carries out a global assessment with a view to determining whether he or she has the aptitude for exercising judicial functions at the high level of a constitutional or international court.[14] If, for example, there are perceived weaknesses in areas of the proposed candidate's curriculum vitae, the Panel will look for compensating factors in other areas.[15] Nonetheless, it is unlikely that the requisite qualities will be found in a candidate of a relatively young age.[16] Further points signalled in the activity reports are that (i) knowledge of human rights law is only one, albeit important, component of the assessment, the acquisition of qualifying professional expertise being possible in other legal fields such as constitutional, European or public international law;[17] and (ii) proposed candidates, notably those with an international background, are normally expected to have adequate familiarity with their own national law and national legal system.[18]

The Panel seeks to apply the same criteria to all countries and all candidates in order to ensure both consistency in its application of Article 21§1 of the Convention and equality of treatment across the board, and also in order to avoid the risk of disparity in the quality of the judges composing the Court. Nonetheless, in some instances where it has been hesitant about a borderline candidate on a list coming from one of the so-called micro-States, the Panel has had regard, as a counter-balancing factor, to the small size and population of the country and to the consequential difficulty in finding three suitably qualified high-level candidates.[19]

4. The first of the alternative professional eligibility conditions: "*possess[ing] the qualifications for appointment to high judicial office"*[20]

Given the wide diversity of national rules on the degree and type of professional experience required to be appointed as a higher-court judge, this expression has not been interpreted by the Panel as being no more than a reference back to the judicial system of the Contracting State in question. Formal possession of the minimum qualifications for appointment to one of the higher domestic courts is not therefore enough on its own. Instead, the expression is taken as having a "substantive" or autonomous meaning in the sense, indicated earlier, of the proposed candidate needing to have appropriate, usually (but not always) judicial, experience of long duration at a sufficiently high level.[21]

Thus, the Panel has taken the expression to cover, in principle, judges who are currently, or have been, members of a national supreme or constitutional court – that is, national judges already appointed to high judicial office. It is also capable of applying to judges who sit on courts, such as appeal courts, just below the country's highest courts – that is, judges susceptible of being so appointed. At the other end of the scale, the Panel normally considers that experience as a judge on a lower, non-appellate court does not bring with it *"possesi[on of] the qualifications for appointment to high judicial office"* (although judges on lower national courts may otherwise qualify as *"jurisconsults of recognised competence"*).[22]

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[14] See 6th activity report, §87.
[15] Examples are given at 6th activity report, §§95, 103,106, 107, 110.
[16] See 6th activity report, §§89, 111.
[17] See 6th activity report, §§87 *in fine*, 108.
[18] See 6th activity report, §98.
[19] See 6th activity report, §90; for an illustrative example concerning lower-court judges, see §97.
[20] See 6th activity report, §§92-99.
[21] See 6 th activity report, §§93-94.
[22] See 6th activity report, §110.

As can be inferred from the lists of candidates that have been transmitted to the Parliamentary Assembly by, for example, the Nordic States, the United Kingdom and Ireland, persons from outside the judiciary, such as experienced practising advocates or high-ranking civil servants with a legal background, may be accepted by the Panel as *"possess[ing] the qualifications for appointment to high judicial office"*, subject to the usual proviso of their having a strong enough curriculum vitae. The judicial-appointment system of the country concerned is, therefore, not devoid of relevance.

5. The second of the alternative professional eligibility conditions: *"be[ing] a jurisconsult of recognised competence"*[23]

"*Jurisconsult*" is a rather old-fashioned word for a legal scholar or jurist. The qualifying phrase *"of recognised competence"* shows that what is meant is something over and above expertise in the law, even where that expertise could be characterised as great and takes the form of impressive academic qualifications or a solid knowledge of Convention law.[24]

According to the criteria set out in the Panel's activity reports, to be a jurist of recognised competence requires extensive experience in the teaching or the practice of the law (on average, a minimum of 10 to 20 years), including at a high level. Objective indicators of the requisite teaching experience are (i) the occupation of a professorial chair for a good number of years at a university of standing - as a tenured and full professor, not as an associate or assistant professor; and (ii) the publication of important academic works. Extensive, relevant and sufficiently high-level experience of practice of the law opens the door to legal professionals other than academics – such as: practising advocates, prosecutors, ombudspersons, diplomats, legal advisors of public bodies, non-governmental entities and international organisations and, generally, legal professionals in the public (including political)[25] and private domains. A "diversified* or "fragmented" career made up of experience in several different professional spheres may be accepted by the Panel as qualifying a proposed candidate under this head, subject to the combined experience being relevant and having been both at a high enough level and for a long enough period.[26]

Some proposed candidates found by the Panel to fall short of having what is required for *"recognised competence"* could be described as excellent academics or experts on Convention law. The reason for the unfavourable assessment in such cases was usually that, since these proposed candidates were only at a middle or even early stage of their career, they could not yet be regarded as having acquired the necessary length and depth of relevant professional experience to have the authority for exercising a high judicial function on the international plane.[27]

6. Additional eligibility requirements, notably language proficiency

In addition to the original personal and professional conditions set out in 1950 in Article 21§1 of the Convention, what amount to a few further eligibility requirements were included by the Committee of Ministers in the Guidelines that they adopted in 2012 on the selection of candidates. For example, the election of a candidate as the judge should not foreseeably

[23] See 6th activity report, §§100-111.
[24] See 6th activity report, §§100, 109.
[25] As to the Panel's approach in regard to proposed candidates who are or have been active in national politics, see 6th activity report, §83.
[26] See 6th activity report, §105.
[27] See 6th activity report, §111.

result in a frequent and/or long-lasting need to appoint an ad hoc judge.[28] Perhaps the most important of these newly stated eligibility requirements is that: *"Candidates must, as an absolute minimum, be proficient in one of the two official languages of the Council of Europe (English or French) and should also possess at least a passive knowledge of the other, so as to be able to play a full part in the work of the Court."*[29]

In practice, the Panel is not in a position to reliably verify linguistic proficiency, since it does not have the opportunity to interview the proposed candidates and can only judge on the basis of what figures in the curriculum vitae prepared by them and in the accompanying information from the government.

III. STOCKTAKING

1. Linguistic proficiency

Given its limited ability to assess compliance with the requirement of linguistic proficiency, the Panel now expects governments to explain what level of linguistic proficiency the national selection procedure required from candidates and how that proficiency was tested.[30] In case of doubt, the Panel will put questions to the government, though the responses received are frequently not that illuminating.[31] The thinking behind this more probing approach than in earlier years is presumably that a greater guarantee of linguistic proficiency will be assured if all national selection procedures, without exception, include a reliable language-test.[32]

2. Negative opinions and the low level of proposed candidates

Some governments have queried the admittedly significant proportion of proposed candidates who are unfavourably assessed by the Panel: 28% in the reporting period from 2019 till 2022, dropping to 16.5% (that is,12 proposed candidates out of a total of 73) from 2022 till 2025.[33] 16.5% is still an impressive figure, especially since, as explained by the Panel, a number of proposed candidates given the green light were considered by it to be on the borderline in terms of their professional eligibility.[34]

Has the Panel, in its ivory tower, been indulging in an over-strict reading of Article 21§1 of the Convention, at the expense of the national selection bodies who are in direct touch with the vital forces of their country? The evidence would appear to argue against any such charge.

As the Panel has consistently made clear from the outset, the care it takes in evaluating the qualifications and experience of proposed candidates is attributable to the central concern not to place at risk the necessary confidence in the Court and its judges. The root cause of

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[28] Paragraph II.7 of the Guidelines.
[29] Paragraph II.3 of the Guidelines. As a general point, the Panel has made clear that, in its work of reviewing the application of Article 21§1 of the Convention in concrete cases, it *"pays due regard to the Committee of Ministers' Guidelines"*: 6th activity report, §79.
[30] See 6th activity report, §§63, 117.
[31] As generally regards the *"often-encountered problem"* of inadequate information being provided to the Panel by the government, *"which hinders the Panel's ability to fully carry out its mandate"*, see 6th activity report, §§58, 67-69, 136.
[32] See the standard set out in Paragraph IV.3 of the Committee of Ministers' Guidelines: *"There should be an assessment of applicants' linguistic abilities, preferably during an interview."*
[33] See 6th activity report, §§126, 131.
[34] See 6th activity report, §138.

the phenomenon of negative opinions is rather to be found at the other end of the supply chain, at the national level. The recent activity report reiterated the Panel's disappointment that, for some years now, governments have been proposing more than just a few persons lacking mature, high-level professional experience. That is to say, too many governments have been proposing younger, less experienced persons, such as: mid-career academics, who are not established full professors of law; judges from lower national courts; practising lawyers without experience in the kinds of issues typically addressed by the Court; and legally qualified persons having held a mix of positions but not at a sufficiently high level.[35]

The significant proportion of proposed candidates having a relatively low professional level would seem to show that insufficient account of the Panel's published guidance on eligibility criteria is being taken by some national selection bodies. *"Clearly some governments are slow learners,"* to transpose an observation made by the general rapporteur of the present seminar, Kieran Bradley, in connection with the European Union Article 255 Committee and judicial appointments to the Court of Justice of the European Union in Luxembourg.[36]

A conceivable "soft" antidote to such slow learning could be a programme of "information meetings", in some form or another, organised by the Council of Europe between the Panel and national selection bodies in order to help to bridge the current gap that sometimes appears to exist between national practice and the requirements flowing from Article 21§1 of the Convention. In the present author's view, a competing scheme sometimes advocated, namely that of Panel members acting as observers of national selection procedures, would be too intrusive in national practice and at odds with the intended advisory character of the Panel's role; and, in any event, it is difficult to see the national authorities accepting what they would presumably consider to be outside interference in their privileged sphere of competence.

3. Political influence

(a) Independence and impartiality of proposed candidates

It is clear that the judicial appointment process provided for under Article 22 of the Convention has a political colouring to it. Firstly, the ultimate appointment of the judge is made by those who are active politicians, namely the members of the Parliamentary Assembly. Perhaps more importantly, in practice the final decision adopting the list of candidates at national level is generally in the hands of the government or parliament. Limits have, however, been set on that political colouring inherent in the text of, and practice under, Article 22.

Not only did the Committee of Ministers inject a wholly independent and non-political advisory input into the process in 2010 in the form of the Panel. In 2012 the Committee of Ministers went a step further by providing in their Guidelines that the members of the national body responsible for recommending candidates *"should … be free from undue influence"*.[37] As recalled in the Explanatory Memorandum to the Guidelines, the usual scenario is indeed that the national selection body is established under the authority of the government and

[35] See, e.g., 6th activity report, §99 (regretting the presence of too many proposed candidates lacking long-lasting judicial experience). See also 6th activity report, appendix II, presentation to the Committee of Ministers by the Panel's Chairperson (Luis Lopez Guerra), 11 December 2024, §22: *"[I]t is worrying that the Panel encounters a significant number of candidates on the borderline in terms of qualifications and experience."*

[36] Kieran Bradley, *LAPE 21* (2022) 665-679, at 677, reviewing Mitchel de S.-O.-L'E. Lasser, *Judicial Appointments Reform and the Rise of European Judicial Independence* (Oxford University Press, 2020, 436 pp.).

[37] Paragraph IV.1 of the Guidelines.

includes members drawn from the administration, so that it cannot be considered independent in the strict sense of the word. But the Explanatory Memorandum adds:

"It [the national selection body] should nevertheless be free from undue influence since the composition of the final list of candidates must not be, and must not appear to be, the result of political patronage or preference: all those eventually included on the list of candidates should be able to meet the requirements of independence and impartiality and to sit in an individual capacity, as set out in Article 21 of the Convention."[38]

As the present author sees it, this represents a sort of agreed interpretation of the Convention by the Contracting States, acting collectively in the Committee of Ministers, to the effect that the inevitable political colouring of the judicial appointment procedure under Article 22 should not be taken to the point where it becomes "*undue influence"* and, therefore, liable to undermine the no less necessary appearance of independence and impartiality of the judges on the Court as provided for under Article 21.

In its recent activity report the Panel cited examples where it had considered that apparent interference in the national selection procedure by the political elite in power or excessive control over the procedure by the government, notably through an unbalanced composition of the national selection body, gave rise to some concern as to the independence and impartiality of the proposed candidates vis à vis the government nominating them.[39] This is a fairly new phenomenon, and not a good sign for the human rights health of Europe.

(b) *Potential exclusion of highly qualified candidates.*

The recent activity report identified its difficulty in looking into possible instances of exclusion of highly qualified candidates on political grounds as *"a blind spot"* in the advisory vetting role assigned to it.[40] That is to say, as a result of its vetting role being restricted to assessing whether the three proposed candidates actually figuring on the list meet the minimum eligibility conditions, the Panel is not always in a position to know why seemingly excellent, better qualified potential candidates did not apply or were not included in the list submitted to it by the government. This being so, *"[t]he Panel cannot rule out the possibility that in certain cases political considerations rather than merit may have influenced the composition of the final list of candidates"*.[41] That is bad news, not just for the excluded candidates but, more importantly, for the overall quality of the judges on the Court and the effectiveness of the Convention protection system as a whole.

(c) The call for safeguards against undue political influence

A truly pluralistic national selection body not dominated by government-appointees could provide a visible safeguard excluding the appearance of *"undue influence"* resulting from political patronage and preference.[42] Although this is one of the standards which is

[38] §§48-49 of the Explanatory Memorandum.
[39] See 6th activity report, §§50-53.
[40] See 6th activity report, §§59-62.
[41] 6th activity report, §61. According to §140, this is liable to have been the case in those instances where the Panel was presented with a list including proposed candidates who clearly did not meet the Convention's criteria. In one case specifically cited (at §56), the failure by the national authorities to explain the rationale for selecting one candidate over others, despite the fact that unselected applicants appeared to have a manifestly better experience than those selected, resulted in a negative assessment by the Panel.
[42] The 6th activity report refers to a need for such safeguards, at §§50, 59.

recommended in the Committee of Ministers' Guidelines,[43] it has not yet been implemented by many countries. Generally speaking, it is evident that the process of selecting and electing the judges could be improved if the practice of the Contracting States in implementing the Committee of Ministers' Guidelines were improved.

4. The implications of the Panel's evaluation of candidates not being accepted

What are the implications of the Panel's assessment of the candidates not being followed either by the government concerned when finalising the list to be transmitted to the Parliamentary Assembly or by the Parliamentary Assembly's Committee on the selection of judges at the ensuing stage? For instance, is it to be inferred that perhaps the Panel has not been performing its vetting task as well as it should have done?

(a) As regards governments

As its name indicates, the Panel is invested with an advisory role only, so that its opinions are not binding on the governments; and its rules of procedure limit it to reliance on written material in its vetting of a proposed candidate's compliance with the personal and professional eligibility conditions for serving as a judge on the Court.

Despite those provisos, things appear to be going in the right direction. Thus, the recent activity report acknowledges a steady increase over the years in the willingness of governments to take the Panel's views into account when drawing up candidate lists for transmission to the Parliamentary Assembly.[44] In the three-year period up to June of this year, one government reacted to the Panel's negative opinion by, on two occasions, replacing the proposed candidates who had not been considered qualified. On the other hand, four governments nevertheless disregarded the Panel's negative opinion and transmitted to the Parliamentary Assembly a list which had previously been totally or partially rejected by the Panel.[45]

It is not necessarily worrisome that governments should once in a while chose not to follow the Panel's advice as concerns unfavourably assessed candidates whom the Panel considered to be on the borderline of eligibility – given that the interview with the Assembly's Committee on the Election of Judges may enable such borderline candidates to demonstrate that, as the government believes, they fall on the right side of the line. The system will be weakened if the transmission of a list by a government despite an unfavourable opinion by the Panel happens too often and, especially, in cases where the Panel has spelled out in its opinion that it considered the candidate(s) concerned to be clearly unqualified and not at all on the borderline.

(b) As regards the Parliamentary Assembly

Similarly, it is not necessarily problematic for the Panel's capacity to act as a useful expert advisory body for the Parliamentary Assembly as well[46] that in few instances the latter's Committee on the Election of Judges has disagreed with a Panel assessment, favourable or unfavourable, as to whether a candidate meets the minimum eligibility conditions for serving as a judge on the Court. Once again, such divergences of opinion are to be expected

[43] Paragraph IV.1 of the Guidelines.
[44] See 6th activity report, §156.
[45] See 6th activity report, §127.
[46] As regards the relations between the Panel and the Parliamentary Assembly, see 6th activity report, §§33-38, 141.

once in a while, notably in borderline cases, since the Committee's opportunity for closer scrutiny of the candidates in its interviews with them enables a more reliable evaluation in comparison with the Panel's solely document-based evaluation.[47]

5. Interviewing proposed candidates

In this connection, interviews would evidently give the Panel a more solid grounding for its assessment of proposed candidates and their asserted qualities and qualifications.[48] On the other side of the coin, there is the downside of yet another layer of interviews being added between the national level and the Parliamentary Assembly Committee, thereby entailing an even more daunting and cumbersome selection process. The disadvantages would appear to outweigh the advantages

6. The added value brought by the Panel as regards securing well qualified candidates

The responsibility under the Convention for selecting the candidates remains, as it has always been, with the governments and the prerogative for electing the judges is vested in the Parliamentary Assembly.

The Panel is only a small body which functions behind a wall of confidentiality, with solely advisory competence. That competence is limited to examining compliance with what one might call the admissibility condition for being a candidate on the list transmitted to the Parliamentary Assembly by the government, namely that the person concerned meets the minimum eligibility requirements for serving as a judge on the Court. The Panel is not competent either to compare the merits of proposed candidates or to look into the possible exclusion of highly qualified persons from the list.

Neither is the Panel tasked with examining the extent to which the list of proposed candidates before it is susceptible of facilitating a well-balanced composition of the Court overall, with its 46 judges offering a varied range of legal expertise.[49] That desirable end-result is to be achieved by the Parliamentary Assembly when electing the judges and by the national selection bodies when casting their selection net for drawing up the list of three candidates. For the Panel's purposes, one thing that is entailed in the ideal of having a healthy spread of legal experience among the judges is that a proposed candidate's having an unusual professional profile, outside the range of commonly encountered profiles, is not to be taken as being a negative consideration in itself.

Notwithstanding those constraints, the Panel's perception is that on the whole the quality of the candidates being proposed is higher now than it was prior to 2010, at least in part because of the existence of the Panel. If nothing else, the required passage before the Panel has persuaded governments to focus on the quality of candidates in a way that perhaps some of them did not do so previously.[50] The present author's conclusion is likewise that the creation of the Panel fifteen years ago by the Committee of Ministers has brought added value to the Convention system.

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[47] See 6th activity report, §§141-142.

[48] For the Panel's comments on this, see 6th activity report, §18.

[49] For one take on this topic, see the contribution of Professor Kanstantsin Dzehtsiarou to the present seminar, published on the Panel's website; as well as: Kanstantsin Dzehtsiarou and Alex Schwartz, "Electing Team Strasbourg: Professional Diversity on the European Court of Human Rights and Why It Matters", *German Law Journal* (2020), 21, pp. 621-643; and Kanstantsin Dzehtsiarou, "Reforming the Election Process of Judges of the European Court of Human Rights", *European Convention on Human Rights Law Review* 4 (2023) 231-239.

[50] See 6th activity report, §137.

If, however, the ultimate objective is consistently to have lists with three very highly qualified candidates with mature legal experience in top-level posts, to the exclusion of candidates who do no more than meet the minimum eligibility requirements, there is still room for improvement, on all sides.