



DH-SYSC-JC(2022)06REV
27/01/2023

STEERING COMMITTEE FOR HUMAN RIGHTS

(CDDH)

**COMMITTEE OF EXPERTS ON THE SYSTEM OF THE
EUROPEAN CONVENTION ON HUMAN RIGHTS**

(DH-SYSC)

**DRAFTING GROUP ON ISSUES RELATING TO JUDGES OF THE EUROPEAN
COURT ON HUMAN RIGHTS**

(DH-SYSC-JC)

**Questionnaire addressed to persons who have considered applying or have
applied at the national level for the post of the judge at the European Court of
Human Rights**

Introduction

The Steering Committee for Human Rights (CDDH) was mandated by the Council of Europe's Committee of Ministers, under whose authority it operates, to submit to it a "report evaluating the effectiveness of the system for the selection and election of the Court's judges and the means to ensure due recognition for judges' status and service on the Court and providing additional safeguards to preserve their independence and impartiality" by the end of 2024. To prepare this report the CDDH created the Drafting Group on issues relating to judges of the European Court of Human Rights (DH-SYSC-JC).

This questionnaire was adopted by the DH-SYSC-JC at its 2nd meeting which took place from 25 to 27 January 2023. It intends to seek information for use in that report.

Replies to the questionnaire will only be used for the CDDH's report and will not be published as such by the DH-SYSC-JC.

Please indicate if you wish to remain anonymous when replying to the questionnaire. The Secretariat will ensure that these wishes are respected.

Please submit your response to the questionnaire to DGI-CDDH-Reform@coe.int by 28 March 2023.

Section 1

Questions addressed to persons who considered applying for the post of judge at the Court but decided not to apply. Please provide explanations in your responses where you can.

1) Which of the following best describes your professional background?

Judicial (judge, prosecutor etc.)

Legal representation and advice (lawyer, barrister etc.)

Academic

Other: please specify.

2) Did you decide not to apply because of:

- the criteria that would be used to draw up the final list of three candidates?

- the lack, or the quality, of information about the process for eliciting applications?

- how applications would be examined?

- the way in which the final list of three candidates would be decided?

- 3) Did your decision not to apply relate to concerns about the election stage run by the Parliamentary Assembly of the Council of Europe?
- 4) Did you decide not to apply because of the open and public nature of different stages of the process, either domestically or within the Council of Europe?
- 5) Did your decision not to apply relate to concerns about resettling to Strasbourg and/or the situation of your partner and your family (e.g. issues with employment or schooling in Strasbourg or in your home country)?
- 6) Did your decision not to apply relate to concerns about the evolution of your career at the end of the term of office?
- 7) Did your decision not to apply relate to concerns about the level of recognition in your home country for judges' status and service on the Court at the conclusion of that mandate?
- 8) Did your decision not to apply relate to concerns about the length or the non-renewable character of the term of office?
- 9) Did your decision not to apply relate to any other concerns not covered in the questions above? If so, please explain what those concerns were.

Section 2

Questions addressed to persons who applied for the post of judge at the Court. Please provide explanations in your responses where you can.

- 1) Which of the following best describes your professional background?
Judicial (judge, prosecutor etc.)
Legal representation and advice (lawyer, barrister etc.)
Academic
Other: please specify.
- 2) Did you encounter any obstacles or difficulties, or did you have any concerns in relation to:
 - the application of criteria for inclusion in the list of candidates?
 - the process followed for eliciting applications?
 - the process for drawing up the recommended list of candidates?

the finalisation of the list of candidates by the decision-maker?

- 3) Where relevant, did you encounter any obstacles or difficulties in the election stage run by the Parliamentary Assembly of the Council of Europe?
- 4) Is there anything else you would like to share about your experience of applying for the post of judge of the Court?