

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,
Palais de l'Europe, salle 11,
Strasbourg

One view by a former Chair of the Advisory Panel:

“[The judges of the European Court of Human Rights] should possess qualities such as independence and impartiality, integrity, a high sense of responsibility, courage, dignity, diligence, honesty, discretion and respect for others. So what the [European Court of Human Rights] needs is fewer human rights minimalists or maximalists and more judges who pay due respect to democratic processes, to liberty, justice and, of course, human rights. They should therefore possess the poise, endurance and common sense constantly to balance the divergent public and private interests which are at stake.”¹

Luzius Wildhaber, first President of the single European Court of Human Rights (1998-2007) and first Chair of the Advisory Panel (2011-2013).

BACKGROUND

Established by the Committee of Ministers in 2010, the Advisory Panel of Experts on Candidates for Election as Judge to the European Court of Human Rights (“the Panel” or “the Advisory Panel”) advises the Contracting States on whether the three persons whom they are intending to propose as candidates all meet the minimum professional and moral eligibility conditions stipulated in Article 21(1) of the European Convention on Human Rights (“the Convention”). In this context, in its final views on the candidates, the Panel may, where appropriate, draw attention to aspects of the information provided by the government on the national selection procedure, notably with regard to fulfilment of the requirements of fairness and transparency. Once the list of candidates has been received by the PACE, the Panel also transmits to the PACE the final written opinion on the candidates that it gave to the government concerned.

Thus, the Panel does not operate in isolation. It is one part of the multi-stage procedure leading to the election of judges to the European Court of Human Rights (the Court) and one link in a wider institutional chain. Notably, the Panel has no decision-making authority; as its name indicates, its role is purely advisory.

The national authorities and the PACE remain the primary actors in the selection process. In this context, the seminar will focus on the current state of the Council of Europe’s judicial election procedure, with particular reference to the Advisory Panel’s fifteen-year involvement.

¹ Human Rights Law Journal (2014), vol. 34, nos. 7–12, p. 267.

OBJECTIVES

The seminar aims to take stock of the overall procedure of election of judges to the Court from start to finish, exploring how it has evolved and how it can best continue to provide the requisite levels of transparency, fairness and consistency. The seminar is intended to provide a forum for dialogue among the key institutional actors involved in the process, from national selection bodies to the PACE.

In this context, special attention will naturally be devoted to the role and impact of the Panel, including the extent to which it can be said to have contributed over the past fifteen years to strengthening the integrity and quality of the selection process. This will offer an opportunity to examine how the Panel's contribution has developed over time, the challenges it currently faces and possible directions for its future work.

The discussion will cover, through three different thematic sessions, the full span of the judicial appointment process and aim at identifying good practices, common concerns and potential areas for improvement.

STRUCTURE/PROGRAMME OVERVIEW

The seminar will open with introductory remarks and a keynote speech, followed by three thematic workshops, each focusing on a key aspect of the judicial election process. Each workshop will include a keynote speaker and two to three respondents.

- **Thematic session I – National Selection Procedures: Challenges and Good Practices**

This session will explore procedures of selection of candidates at the national level, the quality of engagement between the governments and the Advisory Panel and how this intersects with PACE's assessment of national selection procedures. It will serve as a platform to identify common challenges and best practices in the first stage of the judicial selection process under the ECHR.

- **Thematic session II – Interpretation and Application of Article 21(1) ECHR: Criteria in Practice**

Focusing on the minimum eligibility criteria under Article 21(1) of the Convention—namely, “*high moral character*”, “*qualifications for high judicial office*” and “*being a jurisconsult of recognised competence*”—this session will examine how these generally worded concepts have been interpreted and applied in practice, in relation to concrete circumstances and career-paths, by both the Panel and other stakeholders.

- **Thematic session III – Looking Ahead: Enhancing the Election Procedure and the Advisory Panel’s Evolving Role**

The final session will consider the various elements that help to ensure, at different stages, judicial appointment process that inspires confidence in the Court. It will offer the possibility of exchanging views on what are the qualities to be expected from a judge at the Court, and how the various actors can contribute to guaranteeing the presence on the bench of judges effectively presenting these qualities. It will also provide space for a forward-looking discussion on how the role of the Advisory Panel could evolve so as to further enhance the integrity and consistency of the overall procedure.

PARTICIPANTS

The seminar will bring together a wide range of stakeholders with direct experience or interest in the election of judges to the Court. Participants will include members of Permanent Representations to the Council of Europe, representatives of the PACE and judges and officials from the Court. Members of the national judiciaries and judicial councils will also be invited, alongside academics, legal practitioners and civil-society representatives with expertise in human rights and judicial appointments. Current and former members of the Advisory Panel are expected to contribute actively to the discussions.

DRAFT AGENDA

Time	Session	Speakers
09:00 – 09:15	Registration and Welcome Coffee	
09:15 – 09:55	Opening Session	Luis López Guerra – Chair of the Advisory Panel; Emeritus Professor, Universidad Carlos III de Madrid; former Section President of the European Court of Human Rights Daniela Cujbă – Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Moldova to the Council of Europe; President of the Ministers' Deputies Krista Oinonen - Chairperson of the Steering Committee for Human Rights (CDDH); Government Agent before the ECtHR, Director, Unit for Human Rights Courts and Conventions, Ministry for Foreign Affairs Petra Bayr – Chairperson of the Committee on the Election of Judges to the European Court of Human Rights of the Parliamentary Assembly of the Council of Europe; Member of the National Council of Austria Mattias Guyomar – President of the European Court of Human Rights
09:55 – 10:15	Keynote Address	Jonathan Mance – Former Justice and Deputy President of the Supreme Court of the United Kingdom
10:15 – 11:30	Thematic Session I National Selection Procedures: Challenges and Good Practices	<i>Moderator:</i> Paul Lemmens – Member of the Advisory Panel; former Judge of the Council of State of Belgium; emeritus Professor at the Catholic University of Leuven; former Section President of the European Court of Human Rights <i>Main speaker:</i> Madeleine Mathieu – President of the European Network of Councils for the Judiciary; Honorary Advocate General of the Court of Cassation; judicial member of the Conseil Supérieur de la Magistrature of France

Time	Session	Speakers
		<i>Respondents:</i> Andrew Drzemczewski – Former Head of the Parliamentary Assembly of the Council of Europe Department on Legal Affairs and Human Rights; Visiting Professor, School of Law, Middlesex University London Irena Pelikanova - Member of the Advisory Panel; former Judge of the General Court of the Court of Justice of the European Union; Emeritus Professor of law at the Charles University in Prague and former attorney at law Serhii Kalchenko - Second Vice-Chairperson of the Committee on the Election of Judges to the European Court of Human Rights of the Parliamentary Assembly of the Council of Europe; member of the Ukrainian Parliament (Verkhovna Rada)

**11:30 –
11:45** Coffee Break

11:45 – 13:00	Thematic Session II Interpretation and Application of Article 21(1) of the European Convention on Human Rights: Criteria in Practice	<i>Moderator:</i> Jörg Polakiewicz – Director of Legal Advice and Public International Law (DLAPIL), Council of Europe <i>Main speaker:</i> Paul Mahoney – Former Chair of the Advisory Panel; former Judge and Registrar of the European Court of Human Rights <i>Respondents:</i> Laurence Burgorgue-Larsen – Professor of Law, Sorbonne Law School, University Paris 1 Panthéon-Sorbonne Kanstantsin Dzehtsiarou – Professor of Human Rights Law and Associate Dean of the School of Law and Social Justice, University of Liverpool
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**13:00 –
14:30** Lunch Break

Time	Session	Speakers
14:30 – 16:00	Thematic Session III Looking Ahead: Enhancing the Election Procedure and the Advisory Panel’s Evolving Role	<i>Moderator:</i> Despina Chatzivassiliou – Secretary General of the Parliamentary Assembly of the Council of Europe <i>Main speaker:</i> Christoph Grabenwarter – Former Chair of the Advisory Panel, President of the Constitutional Court of Austria; Full Professor of Public Law, Commercial Law and International Law at the Vienna University of Economics and Business <i>Respondents:</i> Petra Bayr – Chairperson of the Committee on the Election of Judges to the European Court of Human Rights of the Parliamentary Assembly of the Council of Europe; Member of the National Council of Austria Allan Rosas – President of the panel provided for by Article 255 of the Treaty on the Functioning of the European Union; former Judge of the Court of Justice of the European Union; Visiting Professor at the College of Europe, the Global School of Law at the Catolica University, Lisbon and the University of Bologna Ivana Jelić – Vice-President of the European Court of Human Rights

Conclusions

16:00 – 16:30	Closing Session	Kieran Bradley – Former Director in the Legal Service of the European Parliament; former Judge of the Civil Service Tribunal of the European Union; Judge of the Administrative Tribunals of the Inter-American Development Bank Group, the International Monetary Fund and the European Stability Mechanism
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Closing remarks

Mirjana Lazarova Trajkovska - Vice-Chair of the Panel, judge of the Supreme Court of North Macedonia and former Section President of the European Court of Human Rights

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The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.