The European Court of Human Rights: the election of judges

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Author: Vaughne Miller
Section International Affairs and Defence Section

The European Court of Human Rights' ruling in the prisoner voting case (Hirst 2) in 2005 and its rejection in early April 2011 of the UK Government's attempt to overturn the ruling in another prisoner voting case, *Greens and MT*, has led to UK criticism of the Court, its members, and the effects of the European Convention on Human Rights on domestic laws.

The quality of European Court judges and the method of their appointment have been of concern both in the UK and in other Council of Europe Member States. Judges are elected by the Parliamentary Assembly of the Council of Europe from three nominations from each Member State government, but the Committee of Ministers and the Parliamentary Assembly of the Council of Europe have identified numerous weaknesses in this method. Thus, the election of judges has also been on the agenda of the 'Interlaken process' established in 2010 to reform the Court.

As part of the on-going reform process, an expert panel has been established to advise Member States on national candidates for the position of judge at the Court before the nominees are sent to the Parliamentary Assembly for scrutiny.

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1.1 Procedure for electing and appointing judges

The 47 Judges at the European Court of Human Rights, one for each Member State, are elected - not appointed - from nominees put forward by Member State governments.

Under Article 22 of the European Convention on Human Rights: "The judges shall be elected by the Parliamentary Assembly with respect to each High Contracting Party by a majority of votes cast from a list of three candidates nominated by the High Contracting Party". The criteria for office are, according to Article 21 of the European Convention, that "The judges shall be of high moral character and must either possess the qualifications required for appointment to high judicial office or be jurisconsults of recognised competence".

Under Convention Article 23, judges are elected for a period of nine years and may not be re-elected; their terms of office expire when they reach the age of 70 and they cannot hold office until replaced.

The Parliamentary Assembly invites candidates to participate in personal interviews, which are conducted by a sub-committee of the Assembly's Committee on Legal Affairs and Human Rights.[1] The sub-committee sends recommendation to the Bureau of the Assembly, which the Bureau forwards to the Assembly and may decide to make public.

The Assembly elects judges to the European Court during its part-sessions. The candidate that obtains an absolute majority of votes cast is elected to the Court. If no candidate obtains

[1] Until October 2007, this was an *ad* hoc sub-committee, but it is now a permanent sub-committee (see footnote to Rule 47.6 in Rules of Procedure of the Assembly, January 2011.

an absolute majority, a second ballot is held, and the candidate who has obtained a relative majority of votes cast is declared elected.[2]

Adam Wagner pointed out in the UK human rights blog in February 2011:

> ... the United Kingdom nominates its own candidate and has 18 seats on the Parliamentary Assembly which decides who is chosen. All members of the assembly are MPs from domestic parliaments. So our own MPs vote on which judges to appoint. This is more power than they have to elect domestic judges.

1.2 Views on the process

The European Court of Human Rights ruling against the UK in the prisoner voting rights case[3] has raised but not enhanced the profile of this Court in the UK. One of the criticisms has been the quality of the judges who sit at the Court, their alleged lack of judicial experience and expertise in some cases, and the fact that some of them come from states without a democratic tradition. The tabloid press has focussed on the matter of foreign judges ruling on UK laws. *The Sun*, for example, referred to "unelected dictators". On 11 February 2011 the *Mail online* stated "the time has come for Britain to tell unelected Strasbourg judges that they have overstepped their authority", and the *Daily Express* considered the dilemma between "democratically elected Commons or an unelected and alien tribunal in Strasbourg". On 28 February 2011 the *Mail online* quoted Lord Carlile QC[4] as saying: “cases often went unresolved for years and some of the judges 'not only have next to no judicial experience, but do not have the experience, even if they have judicial experience, that befits them to be in the superior appellate court”.

In a chapter called “Judicial Selection for International Courts: Towards Common Principles and Practices”, Ruth Mackenzie and Philippe Sands, QC, cited a group of European jurists who thought who noted that although the Convention Article 21 criteria “are commonly used, they remain vague and undefined, and aspects of their scope remain unclear”.[5] They point out for example that “the level of qualification and experience required for appointment to judicial office varies greatly among countries, and the term ‘jurisconsults of recognised competence’ leaves plenty of room for interpretation”.[6] Mackenzie and Sands comment that the Assembly sub-committee review of nominations to the Court is, in practice, “relatively limited, comprising a review of the model curricula vitae and brief interviews with the candidates”[7] The May 2003 Interights report cited by Mackenzie and Sands had pointed to weaknesses in the subcommittee procedure, including “the relative lack of legal and human rights expertise in the sub-committee, and inadequacies in the interview process”.[8]

Loukis Loucaides, a former European Court judge (1998-2008) and former Deputy Attorney-General of Cyprus, confirmed these weaknesses, writing in July 2010 that the “procedure of selecting and appointing judges was quite defective”:

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2 See Appendix to Resolution 1432 (2005), reproduced in Rules of Procedure of the Assembly, January 2011, p156.

3 Hirst No. 2, October 2005

4 Lord Carlile was for ten years the Government's independent reviewer of counter-terrorism legislation

5 From “Appointing Judges in an Age of Judicial Power”, 2007, edited by Kate Malleson and Peter H. Russell, p.218, citing Interights report, *Judicial Independence* p.16

6 Ibid

7 Ibid p.229

8 Ibid

> Lawyers who had no training or even a background acquaintance with human rights and/or did not have essential or adequate knowledge of one, and on some occasions of both, official working languages of the Court, namely English and French, became members of the Court with self-evident negative consequences. The case documents presented to judges were written in either English or French. That meant that if a judge could not understand the two languages he or she could not participate in, let alone contribute to, the consideration and conclusion of the case. The same applies by analogy to the inadequate knowledge of concepts and principles of human rights.3
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> Moreover, according to the Convention itself, "The judges shall be of high moral character and must either possess the qualifications required for appointment to high judicial office or be jurisconsults of recognised competence."4 These qualifications are required for good reason. Judges with high standards of legal training, knowledge and integrity are sine qua non for a court of human rights that is expected to set the standards of human rights behaviour by States, to deal with and solve subtle legal issues in applying such rights and to have the courage and efficiency to find States responsible for violating human rights; sometimes in sensitive areas of State interests including in the political, strategic, social, ethical and moral spheres.

Loucaides also looked at the selection procedures followed at national and Council of Europe level, revealing some bizarre, nepotistic and irregular practices:

> In the national systems, the selection of the candidates was not, in general, carried out according to any prescribed correct procedure. There were countries in which the selection was made on the basis of criteria such as the friendly relations of the candidate with influential political personalities or the affiliation of the person proposed with the political party in power. It was therefore obvious that the States concerned did not aim to propose the most qualified candidate. And when it came to candidate selection by the competent organs as listed in the Convention, the following procedure was followed: the judges were elected by a sub-Committee of the Council of Europe's Parliamentary Assembly. This sub-Committee consisted of 18 members chaired by a politician; many of the members had no legal qualifications. They chose candidates from lists of three drawn up by the 47 Member Governments in a manner which was totally opaque.5 The result was that not all members of the Court had the required competence. This leads me to another disappointing feature concerning the examination of the cases brought before the Court.[9]

In a report published in May 2011, Dr. Başak Çalı, Anne Koch and Nicola Bruch looked at the legitimacy of the Court and its members in the views of judges, lawyers and politicians. The aim was to conduct "an in-depth inquiry into the perceptions of legitimacy of the European Court of Human Rights amongst domestic stakeholders". The authors interviewed domestic politicians, judges and lawyers who litigate before the European Court of Human Rights, key stakeholder groups "whose perceptions of the Court's legitimacy have a direct impact on its authority", as well as four judges and six senior members of the registry at the European Court.

The authors concluded that the Court "enjoys a high level of legitimacy credit from domestic politicians, judges and lawyers", that there is "strong constitutive support for a human rights court above and beyond the state in actively intervening in states' domestic decisions in

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[9] Reflections of a Former European Court of Human Rights Judge on his Experiences as a Judge, 26 July

rights protections", and that out of 107 respondents, only one (the UK, see below) thought the Court did not enjoy constitutive legitimacy. Their conclusions were as follows:

- Domestic actors distinguish between the Court's popularity and legitimacy and accept that lack of popularity alone does not diminish the Court's legitimacy. Additionally, domestic actors value the usage of the Court and its coverage of 47 jurisdictions as important social assets of the Court. This offers flexibility to the Court to deliver unpopular judgments without fearing for its legitimacy.

- Overarching assessments of the Court's performance are more positive than the assessment of more detailed factors. This finding gives further support that the Court is in 'legitimacy credit' and that its overall legitimacy is resilient to specific criticisms. In particular, domestic actors who do not have detailed knowledge of Court's working mechanisms or outputs – predominantly politicians- nonetheless have trust in the system and its positive contribution to political values.

- There is an important consensus amongst all respondents that normative performance legitimacy of the Court is based on a delicate balance between preserving the transformative quality of the Court and respecting the decisions with 'relevant and sufficient reasons' taken at the domestic level.

- The Court's normative performance plays a greater role in the assessment of its overall legitimacy than its managerial performance. Managerial performance moves into the focus of legitimacy accounts only when they reach a real point of crisis. At the domestic level the length of proceedings in Strasbourg is identified as the most prominent concern. Even then it does not outweigh normative performance considerations. This suggests that domestic actors are prepared to receive 'late justice' so long as they receive justice 'of high quality'.

  This finding also calls into question the view that the caseload crisis is a legitimacy crisis proper in the eyes of the domestic stakeholders. Further, dramatically decreasing the accessibility of the Court does not lead to an increase in the overall legitimacy perceptions. The data shows that there is a legitimacy trade-off between stringent admissibility criteria and access to Court.

- A further important finding comes in the area of enforcement of the Court's judgments: domestic actors are patient and trust that changes will come about and that the legitimacy of the Court is an engine of enforcement rather than the other way around. Domestic actors identify problems with the execution of judgments as a separate issue from that of the legitimacy of the Court. As far as legitimacy analysis goes delayed enforcement is not, in this dataset, viewed as having reached a real point of crisis. It remains to be seen, however, whether this perception will change with the increasing number of specific remedies laid out by the Court for execution and the new institutional role the Court enjoys in non-compliance procedures under Protocol 14.

- The cross-sectional analysis shows that politicians, judges and lawyers place different legitimacy demands on the Court. The findings first question the stereotypical politician who is only concerned with popular support for their decisions. The dataset shows that the politicians support the Court as an external corrective more than lawyers and judges. This general support increases the chances of compliance with judgments, even in cases when politicians disagree with them. It has to be borne in mind, however, that legitimacy is only one driver of compliance with Court's judgments. Judges need detailed and persuasive arguments from the Court in each and every case and constant assurances that the domestic law and facts have been understood and analysed adequately. This

calls for high levels of expertise in domestic legal systems and extra-care with complex facts and legislation in the Strasbourg decision-making process. Lawyers need to be assured that the high numbers of inadmissibility decisions are outcomes of transparent and even-handed procedures. It is important for the Court not to be seen as declaring cases inadmissible in order to cut down on its caseload.

- Country context analysis shows that emphasis on various legitimacy standards shifts, but not radically. There are two clear messages from the data: The western European members – the UK, Ireland and Germany - send a strong signal to the reformers of the Court to improve the selection processes of judges at the domestic level. Bulgaria and Turkey have a message for the Court itself: to keep the transformative potential alive and real.

- Our findings from Strasbourg show that greater proximity to the Court creates a double focus on high quality proceedings and the long-term transformative effect of the Court.

  The most striking difference between the Strasbourg interviews and the domestic stake holder interviews is the different emphasis on the improvement of the managerial performance of the Court. Strasbourg respondents are more concerned with the impact of the caseload on the quality of the judgments than the domestic stakeholders, but less concerned about the quality and experience of judges on the legitimacy of the Court. The different subject positions of domestic stakeholders and Strasbourg-based jurists amounts to different framings of common areas of concern: in particular, domestic stakeholders' preoccupation with the Court's degree of intervention is matched by Strasbourg-based recommendations for deferential judicial review, and domestic worries about excessive length of proceedings are matched by a concern about linkages between large case loads and the Court's overall normative performance on the part of Strasbourg jurists.

- The high degree of correspondence between domestic and Strasbourg-based legitimacy accounts, especially the simultaneous value attached to the Court's transformative role and to procedural respect for domestic decision-making processes shows that the Court is in tune with the legitimacy expectations of the stake-holders. This further confirms that the legitimacy of the Court is a source of healthy criticism and a key drive for respect for the judgments, even with the judgments domestic actors disagree with.[10]

2 UK concerns

2.1 The quality of judges

The quality of European Court judges has been of concern in the UK for some time. Following the "Death on the Rock" judgment in 1996,[11] the UK Conservative Government proposed recommendations to improve the quality of European Court judges. Gary Streeter, a Minister in the Lord Chancellor's Department, said in a parliamentary reply in December 1996 that the UK Government had proposed improving the procedure at the Court "to provide a high standard among judges appointed to the court; and to ensure that proper weight is given to the national character, traditions, religious beliefs and moral values of the

[10] Dr. Başak Çalı, Anne Koch and Nicola Bruch, "The Legitimacy of the European Court of Human Rights: The View from the Ground", 2 May 2011, Department of Political Science, University College London

[11] In March 1988 an SAS mission in Gibraltar ended in the killing of three suspected Provisional IRA terrorists. In 1995, in McCann v United Kingdom (1996) 21 EHRR 97, the European Court of Human Rights ruled by a majority verdict ten votes to nine that there had been a breach of Article 2 of the European Convention in relation to the deprivation of life.

countries that are signatories to the convention".[12] He acknowledged that some European Court judgments had "caused grave offence" in the UK and he hoped that Government proposals "in respect of the improvement of the quality of judges, and other procedural improvements--especially taking into account the national culture of each of the signatory countries--will significantly improve the court's performance". The minister refuted a suggestion that the UK had a "pick and choose" approach towards the Court's decisions, but thought the UK proposals would mean that in the future the Court was "likely to be better and more acceptable to the British people than it has been in the past". He promoted the European Convention "so as to enable other countries that are developing the sort of society that we enjoy to establish high standards of human rights within their borders, hopefully with British help".

Nearly ten years on, in February 2006, Gordon Prentice asked the Government whether it had made representations to CoE counterparts about the proficiency in English and French of Court judges. Harriet Harman, then a minister in the Department for Constitutional Affairs, replied that Lord Woolf had made 26 recommendations, "of which provision of language training to new judges was one" and that she understood the President of the Court had welcomed the December 2005 Woolf report and "referred its proposals to the Court's Working Methods Committee".[13]

UK proposals for change have often been closely linked to high profile, controversial European Court rulings, leading to the view that the UK Government only wants reform in the wake of an unpopular Court ruling. In their survey on the legitimacy of the Court, Dr. Başak Çalı, Anne Koch and Nicola Bruch note the UK's unique views of the Court:

> The UK ...was the only country where an interviewee also made a negative assessment of the constitutive legitimacy of the Court by arguing that the Court lacked democratic legitimacy. The UK, therefore, stood out as the only country where democracy was understood in opposite ways: both enhanced and deprived by the Court.
>
> The normative performance of the Court was taken up as a performance legitimacy standard by *all* UK interviewees (the average across the dataset being 87%). For the UK this was clearly a vital part of the legitimacy account: did the Court adequately discharge its right to decide, given to it via the consent of states?
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> This emphasis on normative performance can be explained by the stronger emphasis given to legality in the UK along the constitutive dimension. Grounding the Court in legality on the constitutive dimension suggests that the Court does not start with a large legitimacy surplus but that it needs to gain legitimacy through its performance. Overall, positive statements connected with the normative performance dimension outweighed the negative ones by a factor of 2 to 1. There was further a strong emphasis on the positive impact of the Court's activities in terms of their transformative quality.
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> However, the UK interviewees showed strong concern about the balance of intervention achieved by the Court. The most frequent assessment was that the Court intervened too much in domestic affairs, and that this erodes its legitimacy. There were, however, also assessments that pointed in the

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12 HC Deb 16 December 1996 cc 613-4
13 HC Deb 13 February 2006 c1600W

opposite direction: the failure of the Court to intervene enough in domestic affairs erodes its legitimacy. A common pattern, however, was that overall the UK interviewees agreed that the 'correct' balance was not achieved in terms of overall perceptions.

Judging the judges

Looking at the 90% of UK interviewees who made statements about the managerial performance of the Court reveals a stronger emphasis than average on factors connected to the judges themselves. This is so much so that 'length of proceedings' comes in second place.

Factor	UK	Average
Qualification/experience of judges	43%	26%
Judicial independence	29%	16%
Transparency of selection	19%	6%

In the view of the UK interviewees, there are deficiencies in terms of the transparency of selection and judicial independence, though the figures are not high. Transparency of the judicial selection process garnered only four assessments, but three of those were negative. Of more concern is the negative assessment of judicial independence: of seven assessments, five were negative. In terms of the qualification and experience of the judges, the picture is harder to grasp: of eight assessments, half were positive and half negative.

With respect to social legitimacy we also find that the UK emphasis on this dimension is higher than the average (76% compared to an average of 65%). Within the UK, the 'coverage' aspect of legitimacy was more frequently raised (14%, compared to the average of 6%). The emphasis on social legitimacy in the UK context goes hand in hand with emphasis on the importance placed on the views of the electorate in the UK's parliamentary democracy.

For the UK, the stronger focus on legality in the constitutive dimension correlates with different types of emphasis along the performance dimension. It is not enough that the Court is legitimate legally: it must live up to its normative promise. The UK context highlights the degree of intervention and the qualification and experience of judges as two most salient factors to satisfy performance legitimacy.[14]

2.2 UK nomination procedure

In the UK the nomination timetable for judges and the procedure are roughly as follows:

An advertisement for the position is put in the national press, with a closing date for written applications the following month. A month later a panel meets to select candidates for interview. The panel interviews potential candidates and recommends three nominations. The three nominees are approved by UK ministers and the list is transmitted to the CoE by the end of that month. The whole process takes about three months. The following advertisement for an ECtHR judge was published by the Ministry of Justice in 2009:

[14] , "The Legitimacy of the European Court of Human Rights: The View from the Ground", 2 May 2011

> Applications are invited for the post of judge of the European Court of Human Rights with respect to the UK, which has its seat in Strasbourg. The term of office will begin on 1 November 2010.
>
> Members of the Court are elected by the Parliamentary Assembly of the Council of Europe (PACE) from lists of three candidates proposed by each State party to the European Convention on Human Rights (ECHR). Elections to the Court will be for a fixed 6-year term, and judges will be eligible for re-election – though these and some other terms of office will change if Protocol 14 to the ECHR comes into force.
>
> The Government invites applications from candidates possessing the necessary qualifications and expertise for this senior judicial appointment. The ECHR stipulates that judges must be of high moral character and must possess the qualifications required for appointment to high judicial office, or be jurisconsults (e.g. practitioners and academic lawyers) of recognised competence. The Government will be looking for candidates with all the qualities for high judicial office together with achievement and experience relevant to this post. Candidates should also have a working knowledge of French. Appointment as judge with respect to the United Kingdom is not restricted to British nationals, but all candidates must demonstrate a close current connection with the United Kingdom and familiarity with one or more of its legal systems.

3 Reforming the process for electing judges

Parliamentary Assembly Recommendation 1649 (2004) of 30 January 2004 had stated that the process of appointment must reflect the principles of democratic procedure, the rule of law, non-discrimination, accountability and transparency. According to Appendix AS/Jur(2008)52 of Report 11767 of the Committee on Legal Affairs and Human Rights of the Assembly, 1 December 2008, the 2006 selection process did not respect any of the above principles: there was no call for candidates in the specialised press, the selection process was not made public and lacked any formal legal basis, and there was no assessment of candidates' linguistic abilities, no consultation with civil society bodies and no involvement of a panel of independent experts.

Parliamentary Assembly Resolution 1646 (2009) of 27 January 2009 underlined "the importance of appropriate national selection procedures in order to ensure and reinforce the quality, efficacy and authority of the Court", asked that "the selection bodies/panels (and those advising on selection) are themselves as gender-balanced as possible" and warned that it would reject lists if the national selection procedure was not fair, transparent and consistent. However, the selection process in 2010 again failed to meet the criteria: there was no call for candidates in the specialised press; the selection process was again secret and without a formal legal basis, and again, there was no assessment of candidates' linguistic abilities, no consultation with civil society bodies and no involvement of a panel of independent experts.

One element of the Interlaken process launched in 2010 on the "effective implementation" of the European Convention on Human Rights has been the quality of national judges at the Court of Human Rights and the method of their appointment. The Parliamentary Assembly's Committee on Legal Affairs and Human Rights Resolution on the Interlaken process stated:

> The authority of the Court is contingent on the stature of judges and the quality and coherence of the Court's case-law. In this context it is the Assembly's responsibility to elect judges of the highest calibre to the Court from a list of three candidates nominated by States Parties. Recalling its Resolution 1646 (2009) on the nomination and election of judges to the European Court of Human Rights, the Assembly reaffirms its call that national selection procedures must be rigorous, fair and transparent in order to enhance the quality, efficacy and authority of the Court.[15]

The Assembly emphasised the need for "rigorous, consistent, fair and transparent national selection procedures",[16] which had been a major concern for it and a number of NGOs in the run-up to the Interlaken reform conference in 2010.

The European Court President, Jean-Paul Costa, called for the establishment of an expert panel to advise Member States about the lists of three candidate judges they plan to submit to the CoE Parliamentary Assembly. The proposal for such a panel had been in the report of the Group of Wise Persons set up to suggest reforms to the Court procedures.[17] The panel would consist of senior figures from a relevant background and would intervene before a list of candidates was submitted to the Parliamentary Assembly, making sure the nominees met the criteria for office. It would make recommendations to the nominating State, including, if necessary, proposals to amend the list. The panel could be set up by a decision of the Committee of Ministers, without amending the European Convention.

The expert seven-person panel was established by Resolution CM/Res (2010) 26 of 10 November 2010 and Committee of Ministers decision of 8 December 2010, which agreed to the following panel members:[18]

- Katarzyna Gonera (Poland)
- Renate Jaeger (Germany)
- Chief Justice John L. Murray (Ireland)
- Matti Pellonpää (Finland)
- Professor Sami Selçuk (Turkey)
- Professor Luzius Wildhaber (Switzerland)
- Valery D. Zorkin (Russian Federation)

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15 Doc. 12221, 27 April 2010, "Effective implementation of the European Convention on Human Rights: the Interlaken process", Report of the Committee on Legal Affairs and Human Rights, para. 7

16 Doc. 12391, 6 October 2010, "National procedures for the selection of candidates for the European Court of Human Rights"

17 For information on reform process, see Standard Note 5936, "The European Convention on Human Rights and the Court of Human Rights: issues and reforms", 14 April 2011

18 See also Assembly Resolution 1764 (2010), 8 October 2010, Doc. 12391, 7 October 2010, report of the Committee on Legal Affairs and Human Rights, Rapporteur : Mrs Wohlwend.

Appendix

Forthcoming elections of judges

2011

France: Jean-Paul Costa's term of office expires 3 November 2011; election likely to be April 2012

2012

Belgium: Françoise Tulkens' term of office expires 12 September 2012; election likely to be June 2012

The terms of office expire on 31 October 2012 for judges from Croatia (Nina Vajic), the Czech Republic (Karel Jungwiert), Poland (Lech Garlicki), the Russian Federation (Anatoly Kovler), Sweden (Elisabet Fura), and the United Kingdom (Sir Nicholas Bratza). Elections are likely to be in June 2012.

Further reading

- The European Court website: CVs of all judges and advocates general.
- The Interlaken reform process reports and documentation
- Council of Europe Assembly document AS/Jur/Inf (2011) 02 rev., 9 February 2011, Sub-Committee on the election of Judges to the European Court of Human Rights, Committee on Legal Affairs and Human Rights, on the procedure for electing judges
- AS/Jur (2010)12 rev3, 11 October 2010, Sub-Committee on the election of Judges to the European Court of Human Rights, Committee on Legal Affairs and Human Rights, "Procedure for electing judges to the European Court of Human Rights", Information document prepared by the Secretariat
- Doc. 12391, 7 October 2010, "National procedures for the selection of candidates for the European Court of Human Rights", Report of Committee on Legal Affairs and Human Rights, Rapporteur: Mrs Renate WOHLWEND, Liechtenstein, Group of the European People's Party
- Resolution 1764 (2010), National procedures for the selection of candidates for the European Court of Human Rights
- Report on nomination of candidates and election of judges to the European Court of Human Rights (11/2008), Doc. 11767 and Resolution 1646 (2009)
- Report on candidates for the European Court of Human Rights (Doc. 11682) and Resolution 1627 (2008
- *European Human Rights Law Review* (2010), pp. 377-383. "Election of judges to the Strasbourg Court: an overview"

- *Human Rights Law Review* (2006) 6(2) pp 403-415, "The Reform of the European Court of Human Rights: Protocol No. 14 and Beyond", Lucius Caflisch

- *The Guardian* 17 February 2011, "European court needs British president if it wants credibility in the UK: European court of human rights should make Sir Nicolas Bratza its president to dispel notion the UK is in thrall to a foreign body"

- UCL Faculty of Laws research project, "Process and legitimacy in the nomination, election and appointment of international judges" (focus on the ICJ and ICC)

- *Interights* May 2003, "Judicial Independence: Law and Practice of Appointments to the European Court of Human Rights", Jutta Limbach, Pedro Cruz Villalón, Roger Errera, Anthony Lester, Tamara Morshchakova, Stephen Sedley, Andrzej Zoll. Download the Report (PDF)

- Chatham House International Law DG Meeting Summary, "European Court of Human Rights: A Court in Crisis?" June 2009

- Lord Hoffman, Judicial Studies Board Annual Lecture, 19 March 2009, "The Universality of Human Rights"

- Rt Hon Lord Judge, the 2010 Judicial Studies Board lecture, 17 March 2010

- Michael Pinto-Duschinsky, "Bringing Rights Back Home: Making human rights compatible with parliamentary democracy in the UK", 7 February 2011

- *American Political Science Review*, Vol. 102, No. 4, pp. 417-433, November 2008, "The Impartiality of International Judges: Evidence from the European Court of Human Rights", Erik Voeten

- *International Organization* 61, Fall 2007, pp669–701, "The Politics of International Judicial Appointments: Evidence from the European Court of Human Rights", Erik Voeten

- "Appointing Judges in an Age of Judicial Power: critical perspectives from around the world", edited by Kate Malleson and Peter H. Russell, 2007

- Jutta Limbach et al, "Judicial Independence: Law and Practice of Appointments to the European Court of Human Rights", 2003