

Judge of the European Court of Human Rights - Information Pack

INTRODUCTION

Each Member State of the Council of Europe has one judge at the European Court of Human Rights (ECtHR) in Strasbourg: <http://www.echr.coe.int/Pages/home.aspx?p=home>. Judges are elected by the Parliamentary Assembly of the Council of Europe (PACE) - the political arm of the Council of Europe - which includes a UK delegation (UKDEL PACE) drawn from both houses of Parliament.

BACKGROUND

The current UK judge, Paul Mahoney, retires on 6 September 2016. The Council of Europe has asked the UK to put forward three nominees (including at least one male and one female) for his successor. Following scrutiny by the Committee on the Election of Judges, (<http://assembly.coe.int/nw/Committees/as-cdh/as-cdh-main-EN.asp>) the Parliamentary Assembly of the Council of Europe (PACE) will then elect the UK judge from the nominees put forward. While the UK has discretion in how it selects its nominees, PACE requires the process of nominating candidates to the ECtHR to reflect the principles of democratic procedure, transparency and non-discrimination. The Lord Chancellor is responsible for putting forward the UK nominees to PACE and has decided to ask the JAC to administer the selection panel.

More information about the selection process can be found by following this link to the PACE website:

<http://website-pace.net/documents/1653355/1653736/ProcedureElectionJudges-EN.pdf/e4472144-64bc-4926-928c-47ae9c1ea45e>

Job Description

There is no job description of the type published for JAC exercises. However, the office of judge is described in the European Convention on Human Rights, as amended, which is available at ETS no. 005 at the Council of Europe Conventions website at:

<http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/005>

Further provisions on the office of judge, the organisation and working of the court and on court procedure can be found in the Rules of Court, available as a PDF download at:

http://www.echr.coe.int/Documents/Rules_Court_ENG.pdf

Eligibility

Under Article 21(1) of the European Convention on Human Rights, judges must be of high moral character and either possess the qualifications required for appointment to high judicial office or be *jurisconsults* (for example academic lawyers and practitioners) of recognised competence.

Additionally, the UK expects that candidates should have a proven and consistently high level of expertise, with at least seven years' experience in the areas of law in which they have been engaged. Candidates will normally be expected to have experience in criminal or

civil fields, with demonstrable knowledge of the UK's national legal systems, public international law, public law, Strasbourg law and human rights.

Working as a Judge in the ECtHR will require an aptitude for working as part of a team in an international environment in which several legal systems are represented. The nominee will also need to possess the interpersonal and communication skills necessary to exert his or her influence within the Court.

Language requirements

Candidates are required to have at least a passive knowledge of French, or a commitment to acquire such knowledge in due course, so as to be able to play a full part in the work of the Court. In this instance, passive knowledge means listening, reading and understanding. Judges may communicate in either official language of the Court (English and French), but must be able to understand case documents in both languages.

Nationality

You must complete a declaration of your nationality in the application form.

SELECTION PROCESS

The selection is made from a national shortlist which is prepared in a two-stage process. The first stage, in the UK, results in a longlist of up to ten candidates being presented to the Lord Chancellor. From this list, he will ultimately recommend a shortlist of three to Strasbourg. The second stage takes place in Europe, where Council of Europe bodies based in Strasbourg first liaise with the UK on its shortlist, and then, in Paris¹, conduct interviews of the candidates before they are presented to PACE for election in June 2016. At a suitable point before the PACE election, the UK's Delegation to PACE will wish to meet the three shortlisted candidates in London.

The UK stage timetable

Exercise launch date	3 December 2015
Notify intent to apply, with two referees' contact details	1300 (GMT) 9 December 2015
Closing date for applications	1300 (GMT) 4 January 2016
<i>Provisional</i> dates for sift	27 - 28 January 2016
Window for language assessment for sifted candidates	29 Jan – 11 Feb 2016
<i>Provisional</i> dates for interviews	26 Feb, 29 Feb and 1 March
Longlist recommendations to the Lord Chancellor	By 10 March 2016
Lord Chancellor's decision on shortlist	By 15 March 2016

The Strasbourg stage timetable

Shortlisted candidates interviewed in <i>Paris</i>	10 June 2016
Candidate elected by PACE	20 - 24 June 2016
Assume appointment	September 2016

By the end of March 2016, UK's shortlist of three candidates will be submitted to PACE. Candidates will be interviewed in *Paris*, on 10 June by the Committee on the Election of

¹ For ease of access for candidates, rather than travel to Strasbourg.

Judges to the ECtHR. The judge will be elected by majority vote at the third part-Session of 2016 by the Parliamentary Assembly held between **20 – 24 June 2016**.

The UK Delegation of the Parliamentary Assembly of the Council of Europe (UKDEL PACE)

Members of the UK Delegation to the Parliamentary Assembly will also ask to meet the three shortlisted candidates in London for about half an hour on either **31 May / 1 June** or **7 / 8 June**. This is because members of the Delegation wish to be able to attend the Parliamentary Assembly's Part Session during 20 – 24 June, having met each one. The Delegation *is not invited formally to interview candidates or comment on their merits*. The composition of the Delegation is here: <http://www.parliament.uk/mps-lords-and-offices/offices/delegations/coe2/membership1/>

APPLICATION PROCESS

Expression of interest

In order to meet the appointment timetable you should, as soon as possible, identify two referees who will have to submit references by **5 January 2016**.

You are reminded that by **1300 (GMT) on 9 December**, you will be expected only to have notified us of your intent to apply, with the names and contact details of up to two referees, having established that your referees can meet the deadline of **5 January 2016**. Not submitting your expression of interest by this time will not disqualify you from applying, but may disadvantage you. *The expression of interest form which you have to complete will be found to the right of this information page when the exercise launches on 3 December at 13:00 (GMT)*. More detail on referees is given within the form and in the referee section below. Your fully completed application form is required by **1300 (GMT) on 4 January 2016**.

The application form sections

These play an important part in the selection process. You should complete all sections in the form, ensuring the information you supply is clear and accurate.

The application form will be found on the website when the exercise launches on 3 December at 13:00 (GMT).

The self-assessment

When completing the self-assessment please be concise; you are limited to 300 words per box; anything in excess of this will not be used to support your application. Note form is acceptable.

This assessment is your opportunity to expand on the information you have provided about your career history. It should explain how you demonstrate the selection criteria and not simply be a reiteration of your career history. You should consider the following:

- Make sure that you provide specific examples that demonstrate how your skills match the selection criteria sought at the level appropriate for the role for which you are applying. It is not sufficient to talk generally about a situation and what happened – the panel needs to know specifically what the situation was, your task and the result.

- Be clear and explicit when writing your examples so that there is no room for doubt about how you personally have tackled something. Do not assume that the person reading your form will be able to infer, from your description, what your role was and for what specifically you were responsible.
- Keep your answers concise and to the point. It is important that the focus is on you – your actions and your responsibilities – not the situation as a whole.
- If, when completing your self-assessment, your text is within the word limit but fills more than the space provided, all your text will be saved and your full response will be received by the JAC.

Selection criteria

The selection criteria against which applicants will be assessed are on the JAC's website <https://jac.judiciary.gov.uk/vacancies/018> and in the application form.

Submission of written work

When you make your application, you are also asked to cite two recent and significant pieces of written work. For example, these can be academic articles, judgments, legal opinions or some other relevant paper. (If there are web links available to these, please provide them; if not, please email the work.) Please summarise, *in no more than 500 words*, two aspects: what the written works are about, and critically, how they support your suitability for the role.

These pieces of written work, along with your 500-word summary, will be assessed and used primarily, but not exclusively, to give evidence of the following criteria:

- Intellectual Capacity
- Personal Qualities
- Ability to Understand and Deal Fairly
- Authority & Communication Skills

You should be aware that you may also be asked questions about the written work if you are selected for interview. If you need any information in a different format, for example in Braille, **please contact Jacky Fox on 0203 334 6139.**

Longlisting

The seven member sift panel will consider the information provided in your application including the written work described above and your self-declared linguistic aptitude. It will also have your references to assist with its assessment. There will be no feedback provided to candidates not selected for interview.

Language Assessment

If you are selected for interview, you will be contacted directly by the Institut Français. Your current level of French will be assessed between 29 January and 11 February. The assessments are likely to include an assessment online and by telephone.

Interviews

If you are sifted in, you will be invited to interview which will include situational questions. Further details will be sent with the interview invitation.

Referees

You will require two referees to support your application. You may choose your referees but they must be people who are well placed to comment on how you meet the selection criteria for this job. They should be able to do this from *direct* knowledge of the professional work you do, providing specific examples, rather than assertions.

This could be someone you work for, with, or on behalf of and we recommend that you check with your referees that they do not have a conflict of interest in this exercise. You should not nominate as a referee a person you know to be a candidate in this exercise. Please ensure you provide the name, title, position and an **accurate** email address as this will be our means of contacting them.

The tables set out below give *guidance only* on the type of person you might wish to select depending on whether you are a judicial office holder, legal professional or academic.

Suggested judicial referees	
Candidate's Office	Referee
High Court or Deputy High Court Judge	The relevant Head of Division
Chamber President, Tribunal President	Senior President or Lord President (Scotland)
Circuit or Tribunal Judge and Recorder, Senator of the College of Justice (Scotland)	The Presider, or Resident /Regional Tribunal Judge, Designated Civil Judge or Designated Family Judge in the court(s) where you sit most often/ Lord President (Scotland)
District Judge or Deputy District Judge	The local Designated Civil Judge or the Resident Judge, as appropriate.
Sheriff	Sheriff Principal (Scotland only)
Sheriff Principal	Lord President (Scotland only)

Suggested professional referees	
Candidate's Profession / post	Referee
Solicitor	Your managing partner or relevant equity partner
Barrister/Advocate	Your Head of Chambers or Senior Member of the Bar Library (N. Ireland only) Dean of the Faculty of Advocates (Scotland only)
Sole Practitioner	A person with direct knowledge of the work you do
Head of Chambers	Joint or Former Head of Chambers or a senior person designated by him/her.
Academic/Other role	Dean/Head of Faculty, Director, line manager or equivalent

Conflict of interest

Please do not nominate any of the following panel members as a referee. You should also state in the relevant section of the application form if you are in any way related to or known by any of the panel members and give details. The panel comprises:

Chairman	Dame Rosalyn Higgins, former President of the International Court of Justice
Judicial Member	Lord Reed, UK Supreme Court
Judicial Member	Lord Dyson, Master of the Rolls
Lay Member	Baroness Onora O'Neill, Chair, Equality and Human Rights Commission
Lay Member	Professor Graham Gee, University of Sheffield
Lay Member (MoJ)	Richard Heaton, Permanent Secretary
Legal Member (FCO)	Mr Iain Macleod, Legal Advisor

Consultation

The panel will consult the senior judiciary of England and Wales, Scotland and Northern Ireland, senior lay figures and senior officials, before sift and interviews as necessary. Ministers will be consulted on longlisted candidates before interviews. The Lord Chancellor may consult again, after he has received the longlist, before deciding on the shortlist.

Declaration of character

Article 21(1) of the European Convention on Human Rights sets out the criteria for office as a judge of the Court and states "judges shall be of high moral character".

In order to assist the selection panel in assessing whether this test is met, applicants are asked to declare whether anything they have said, written or done, should it be made public, would be capable of bringing the Court into disrepute.

Please be aware, that we may ask your permission to carry out character checks as the exercise progresses.

Selection decisions and report to the Lord Chancellor

The panel will provide a report, including the longlist of up to ten of the most meritorious candidates to the Lord Chancellor by **10 March 2016**.

Outcome of the UK selection stage

Please note that longlisted candidates will not be advised of their results until the LC has sent his shortlist of three to Strasbourg. Once this has happened, shortlisted and unsuccessful candidates who attended the UK interviews will be sent their results by email at the same time. **NB:** The Lord Chancellor requires those who were recommended by the panel, but not selected for the shortlist, should remain available to him in case a shortlisted candidate becomes unavailable.

If you are unsuccessful following interview, you may request written feedback. You should make this request within six weeks of the date of the letter informing you that you have not been successful. The panel will aim to respond to your request within 20 working days. Any request for feedback should be sent to jacset3@jac.gsi.gov.uk.

Outcome of the Strasbourg selection stage

It is expected that shortlisted candidates will be informed of the outcome of the PACE elections by the end of June 2016. If you are offered the post you will be expected to take up the post in September 2016.

Domestic life in Strasbourg

Children's schooling

There is a European school beside the Court, which has an English Section where most of the curriculum is taught by teachers from the UK, Ireland, Canada and the US. It takes in children from the age of 4 until completing their baccalaureate (A levels equivalent). As it is a state school, no fees are payable. However there is a long waiting list for places in the English Section. The children of judges are eligible, but do not have priority over other international families.

While the Registry maintains contacts with the local education authority and assists judges in applying for places, entry to the school cannot be guaranteed. Some judges have had to make other arrangements, depending on the age of the children and whether they have any level of French to build on. Judges do not receive an allowance to meet school fees or university fees.

Setting up home

There is a judges' social bureau at the Registry, run by a very experienced official who will assist new judges in all matters related to their move to Strasbourg – accommodation, removals, advice on local services and service providers, and other practical matters such as getting in phone lines and internet. Many judges serve in Strasbourg with their families, and are well acquainted with the challenges of moving a household to a new country, or of dividing time between home and Strasbourg. Judges organize social and cultural events among themselves, including spouses and partners.

Terms and conditions of office

The term of office which will begin in September 2016, is for nine years, is non-renewable and expires when the judge reaches the age of 70. Judges are employed by the Council of Europe and will serve the Court on a full-time basis. Candidates will need to be ready to make such arrangements as are necessary to work on a full-time basis in Strasbourg, as judges are required to reside in or near Strasbourg. During their terms of office, judges must not engage in any activity which is incompatible with their independence or impartiality, or with the demands of full-time office. Judges hold office until replaced, but shall continue to deal with such cases as they already have under consideration. No judge may be dismissed from office unless the other judges decide by a majority of two thirds that that judge has ceased to fulfil the required conditions.

Reasonable length of service

Candidates should be able to serve at least half their term (i.e. be aged up to 65 on the date of appointment) before retirement at the age of 70.

Pay

Monthly emoluments

Gross monthly salary: **€16,613.78**, comprising a basic monthly salary of **€14,767.80** and a displacement allowance of **€1,845.98**.

From the date on which judges take up their duties, they are affiliated to the Council of Europe's private medical and social insurance scheme, which covers medical costs, maternity, temporary incapacity, invalidity and life insurance. Affiliation to this scheme is compulsory. The following deductions apply: Contribution to the compulsory private medical and social insurance scheme (2.283% of the gross salary): **€379.29**

When they take up office, judges must also decide whether to join the pension scheme which is currently applicable to newly appointed staff members of the Council of Europe. This decision is irrevocable (Article 10 § 1 of Resolution CM/Res(2009)5 as amended). If judges decide to join the scheme, a contribution will be deducted from their salaries at the current rate. At present the rate of contribution is 9.4% of the gross remuneration, which currently amounts to €1,561.70. Net remuneration will therefore be: **€14,672.79**.

If on the other hand judges opt not to join the Council of Europe pension scheme, they must declare in writing to which national and/or other pension schemes they are affiliated (Article 10 § 4 of CM/Res(2009)5 as amended). The contribution which the Council of Europe would otherwise make to the pension scheme on a judge's behalf would then be paid directly to the judge concerned as a part of the monthly remuneration, which at current rates will then be: **€18,143.24**.

Salaries and emoluments paid by the Council of Europe **are not subject to income tax** (Article 18b of the General Agreement on Privileges and Immunities of the Council of Europe). Salary is adjustable yearly by the Council of Europe having regard to the cost of living in France.

Medical, dental and social cover

With effect from the date on which Judges take up their duties, they are affiliated to the Council of Europe's private medical and social insurance scheme, which covers medical costs, maternity, temporary incapacity, invalidity and life insurance. The level of coverage is considered to be good. The contract covers health cases wherever the healthcare is provided, not just in Strasbourg.

Retirement pension

Judges who join the pension scheme must complete at least five years in office to qualify for a retirement pension. If a judge leaves the European Court of Human Rights before completing this period, a leaving allowance will be calculated as follows: last basic salary + displacement allowance x contribution (9.4% currently) x 2 x months of affiliation. Judges who remain in office more than five years but less than ten years will have the choice between either a retirement pension or a lump sum upon departure calculated as above. Judges who have ten or more years of reckonable service will only be entitled to a retirement pension. The retirement pension is payable without reduction from the age of 65. The pension scheme also provides in the appropriate circumstances for an invalidity pension and, for spouses, a survivor's pension and a reversion pension. The accrual rate is 1.75% of

the final monthly basic salary plus displacement allowance per year of service. The detailed rules for the Third Pension Scheme, which is currently applicable, are set out in Appendix V to the Staff Regulations (http://www.coe.int/T/AdministrativeTribunal/WCD/staff_en.asp), read in conjunction with CM/Res(2009)5 as amended.

Medical examination

Judges are asked to undergo an initial medical examination by the Council of Europe doctor. If the medical examination shows that a Judge is suffering from an illness or disablement which so warrants, the Council of Europe may decide to defer entitlement to death or invalidity benefits, in respect of the risks arising from that illness or disablement.

Annual Leave

The formal rules for annual leave for Judges are set out in Article 7 of the Committee of Ministers Resolution CM/Res(2009)5 on the status and conditions of service of judges of the European Court of Human Rights and of the Commissioner for Human Rights (see: [https://wcd.coe.int/ViewDoc.jsp?Ref=CM/Res\(2009\)5&Language=lanEnglish&Ver=original&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383](https://wcd.coe.int/ViewDoc.jsp?Ref=CM/Res(2009)5&Language=lanEnglish&Ver=original&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383)), which states:

The Court shall remain permanently in session. The duration of court vacations shall be determined by the President of the Court with due regard to the needs of business. During such court vacations, judges shall make themselves available as required. Judges may absent themselves from Strasbourg outside court vacations only exceptionally and with the President's authorisation.

In practice, throughout the year, the Court has what are termed light schedule periods, in effect judicial vacations, which are determined by the President of the Court. These are distributed throughout the year with two weeks at Christmas, one week in February, two weeks at Easter, six weeks in the summer from mid-July and one week at the end of October/beginning of November. The dates vary slightly each year as they are based on the French school holidays. French public holidays are also included in the leave entitlement.

Training requirements

Upon selection, the successful candidate will be provided with whatever further language training they require to achieve the level required for working at the Court.

Complaints procedure

If you are dissatisfied with any aspect of the handling of your application, you should refer to the JAC's published complaints procedure which is available on the JAC Website: <https://jac.judiciary.gov.uk/making-complaint>.

Travel and subsistence

Travel/subsistence expenses incurred attending **Paris** interviews **will be met** by the Council of Europe.