

COUNCIL OF EUROPE

COMMITTEE OF MINISTERS

Resolution Res(2004)50 on the status and conditions of service of judges of the European Court of Human Rights

*(Adopted by the Committee of Ministers on 15 December 2004
at the 909th meeting of the Ministers' Deputies)*

The Committee of Ministers, acting pursuant to Article 16 of the Statute of the Council of Europe,
Having regard to the Convention for the Protection of Human Rights and Fundamental Freedoms,
signed at Rome on 4 November 1950 ("the Convention");

Having regard to Protocol No. 11 to the Convention, restructuring the control machinery established thereby, signed at Strasbourg on 11 May 1994;

Having regard to the General Agreement on Privileges and Immunities of the Council of Europe,
signed at Paris on 2 September 1949;

Having regard to Resolution (97) 9 on the Status and Conditions of Service of Judges of the European Court of Human Rights to be set up under Protocol No. 11 to the Convention for the Protection of Human Rights and Fundamental Freedoms, adopted on 10 September 1997;

Having regard to the proposals submitted by the previous Secretary General as they appear in document [CM\(2004\)69](#) in pursuance to the decisions taken at the 784th (21 February 2002) and the 869th (21 January 2004) meetings of the Ministers' Deputies;

Having regard to the Resolution concerning the conditions of service of Judges adopted by the European Court of Human Rights at its 41st plenary administrative session on 12 May 2003;

Having regard to the recommendations of the Budget Committee at its May 2004 meeting ([CM\(2004\)94](#)),

Resolves as follows:

Article 1

Elected members of the Court shall enjoy the special status of "judges of the European Court of Human Rights" ("judges").

Article 2

In accordance with Article 51 of the European Convention on Human Rights ("the Convention"), judges and ad hoc judges appointed pursuant to Article 27, paragraph 2, of the Convention shall be entitled, during the exercise of their functions, to the privileges and immunities provided for in Article 40 of the Statute of the Council of Europe and in the agreements made thereunder, including in particular the Sixth Protocol to the General Agreement on Privileges and Immunities of the Council of Europe.

Article 3

The conditions of service of judges and *ad hoc* judges shall be governed by the Regulations set out in Appendices I and II respectively to this Resolution.

The Regulations shall be implemented by the Secretary General of the Council of Europe, who, for this purpose, shall act in consultation with the President of the Court and may have regard to the rules applied concerning staff members of the Council of Europe.

Article 4

This Resolution repeals and replaces Resolution (97) 9 and shall enter into force on 1 January 2005.

The Secretary General may submit proposals for the revision of this Resolution to the Committee of Ministers within three years from its entry into force.

Appendix I to Resolution Res(2004)50: Regulations governing the conditions of service of judges

Article 1 - Annual salary

1. The all inclusive annual salary of judges, as holders of a full-time office, shall be € 198,349 payable in equal monthly instalments in advance.

2. Additional remuneration at the following annual rates shall be paid, on a pro rata temporis basis, to the following office-holders:

- the President of the Court: € 12,092.
- the Vice-Presidents of the Court and the Presidents of Sections: € 6,046.

3. The annual remuneration shall be adjusted in accordance with any adjustments made to salaries of Council of Europe staff of Grade A7 based in France.

Article 2 - Place of residence

Judges shall reside at or near the seat of the Court.

Article 3 - Leave

1. Holiday leave

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.

2. Sick leave

Whenever judges are absent and unable to perform their duties for health reasons they shall inform the President of the Court and provide appropriate medical certificates to the Welfare Office of the Council of Europe.

Judges who are absent on account of illness shall receive from the Council of Europe:

- for the first three days: their full salary;
- thereafter and for a period of eighty-seven days: 90% of their salary;
- thereafter and for a period of ninety days: one-half of their salary.

At the end of the said period of ninety days, judges shall no longer be remunerated by the Council of Europe.

Article 4 - Payment of expenses by the Council of Europe

1. The Council of Europe shall pay:

- (a) the travel and subsistence expenses of a judge on an official journey;
- (b) travel, subsistence and removal expenses incurred by judges and their household (spouse and children) when taking up or on termination of their duties.

2. On the death of a judge during his or her term of office, the Council of Europe shall defray:

- (a) the cost of transporting the body of the judge from the place of death to the place of funeral;
- (b) the cost of transporting the deceased judge's personal belongings;
- (c) the travel costs of the survivors who were dependent on the judge and were part of the judge's household.

3. The rules issued by the Secretary General of the Council of Europe applicable to payment of expenses to staff members of the Council of Europe shall apply to judges, save that the amounts payable in respect of travel and subsistence expenses shall be governed by the rules issued by the Secretary General applicable to the reimbursement of the expenses of members of the Parliamentary Assembly and Ministers' Deputies when travelling at the charge of the Council of Europe.

Article 5 - Social protection

1. Judges are required to ensure that they have arranged, at their own expense, for adequate insurance cover of the following risks, for the full period of their terms of office:

- temporary incapacity to work due to illness or accident - the cover must be such as to replace the loss of salary indicated under Article 3, paragraph ii above;
- costs of health care, including maternity expenses, for themselves and their dependants;
- permanent incapacity to work due to an illness or an accident;
- death.

Judges are also required to provide, at their own expense, for their retirement or pension benefits as regards the period of their terms of office.

2. Judges shall provide the Council of Europe at the beginning of each year with proof that they have adequate coverage of the risks listed above. The Council of Europe will make available proposals for an insurance policy which covers the risks, the full premium to be paid by judges.

Appendix II to Resolution Res(2004)50: Regulations governing the conditions of service of ad hoc judges

1. For each day on which they exercise their functions *ad hoc* judges shall receive an allowance of an amount equal to 1/365th of the annual salary payable to judges of the Court by virtue of Article 1, paragraph 1, of Appendix I above. The allowance shall be free of all taxation.

2. The Council of Europe shall also reimburse to *ad hoc* judges travel and subsistence expenses incurred by them in connection with the performance of their functions. The rules issued by the Secretary General of the Council of Europe applicable to the reimbursement of the expenses of members of the Parliamentary Assembly and Ministers' Deputies when travelling at the charge of the Council of Europe shall apply.