

Alex Chalk KC MP, United Kingdom Lord Chancellor and Secretary of State for Justice

UK Judicial Appointments Commission:

Lord Reed, Judicial Member, Supreme Court President, Chairman

Sue Hoyle OBE, Lay Commissioner, Judicial Appointments Commission

Alyson Kilpatrick, Chief Executive of the Northern Ireland National Human Rights Institution

Sally Langrish, Legal Member, Foreign, Commonwealth and Department Office

Jerome Glass, Director General, Policy, Ministry of Justice

24 May 2024

Re: Nomination for UK judge to the European Court of Human Rights

Dear Lord Chancellor and members of the Judicial Appointments Commission,

We, the undersigned, are writing to show our grave concern about the historic lack of women judges from the UK to serve at the European Court of Human Rights (ECtHR), and to request that the Judicial Appointments Commission and the Lord Chancellor consider submitting an all-female list of candidates to the Parliamentary Assembly of the Council of Europe (PACE) for the upcoming election in June 2025.

In February 2024, the Judicial Appointments Commission published a call for applications for judge to the ECtHR. We understand that the closing date to receive applications was 9 April 2024, a long list of candidates will be recommended to the Lord Chancellor at the end of July, and the final list of three nominees will be submitted by the Lord Chancellor to PACE later this year. According to the information available, the final candidate will be elected by PACE in June 2025 and will assume appointment in September of that year.

Unfortunately, the UK stands as the State of the Council of Europe with the worst record of gender equality at the European Court of Human Rights. Being the State with the highest number of judicial appointments, all eight judges that have served at the Court to date have been men.

On its website, the Judicial Appointments Commission notes: “We believe in a judiciary that reflects the diverse society it serves and we have a statutory duty to attract diverse applicants from a wide field”. While we understand that in the past the UK Government has nominated women to the list of three candidates submitted to PACE, the lack of appointments of women judges to the Court undermines UK human rights values, as well as the principles of equality and non-discrimination enshrined in the European Convention on Human Rights.

The [Committee of Ministers of the Council of Europe](#) has stated that, “[b]alanced participation of women and men in political and public decision-making implies defining and adopting concerted strategies as well as a global and transparent intervention involving not only the government, but also a wide range of actors”.



The lack of gender parity in international courts and bodies impacts the right of access to equal opportunity in employment, which is recognised under international law. Additionally, gender underrepresentation has a significant impact on the rights to equality and non-discrimination recognised in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the European Convention on Human Rights, the Convention on the Elimination of Discrimination Against Women, and other human rights treaties ratified by the UK.

Further, gender underrepresentation impacts the legitimacy of courts and international bodies, as well as their effectiveness ([UN HRC, Advisory Committee](#)). The lack of women in international courts does not reflect the diversity that exists in our societies, and erodes public confidence in the mandate of such courts to uphold universal values. In addition, the underrepresentation of women raises doubts as to the integrity of the selection process, as well as the perceived fairness of the decisions issued by such courts. Finally, without gender parity, international courts risk overlooking matters and perspectives that should be part of their political and legal agenda.

The [CEDAW Committee](#) has noted that, “States parties have a responsibility, where it is within their control ... to appoint women to senior decision-making roles”. This includes taking proactive measures in recruitment to international vacancies to address women candidates specifically and, where appropriate, to give women preference over male candidates.

The [PACE has stated](#) that “[t]o ensure gender-balance on the Court, States are also asked to put forward at least one candidate from each sex. Single-sex lists of candidates are only accepted when the candidates belong to the sex which is under-represented in the Court (i.e. the sex to which under 40% of the total number of judges belong), unless the Committee on the Election of Judges finds by a majority of two-thirds that exceptional circumstances justify an exception”. Currently, women make up less than 40% of the overall composition of the Court. Further, the gross lack of UK women judges appointed to the Court more than justifies the application of this measure.

Based on the above, we call on the Judicial Appointments Commission and Lord Chancellor to correct the historic absence of women nominated by the UK and appointed as judges to the ECtHR. To change this situation, we strongly request the UK Government to recognise the significance of the problem and identify how it might use an all-female list of three qualified candidates to ensure that a woman is finally appointed as judge to the ECtHR.

We thank you for your consideration and remain available to discuss this matter further.

Sincerely,

GQUAL Campaign

[GQUAL](#) is a global campaign aimed at promoting gender equality in international courts and bodies. Using a wide range of legal and advocacy tools, since its launch GQUAL has fiercely



advocated for women to be represented in international courts and bodies, with special focus on those spaces where women have been historically excluded.

Other endorsements:

The International Association of Women Judges (IAWJ). The IAWJ supports GQUAL's efforts to ensure that women are represented in international courts and bodies, especially where women have been historically excluded but are well qualified.

The REDRESS Trust

REPRIEVE

Téa Braun, Chief Executive, Human Dignity Trust

Fiona Rutherford, Chief Executive, JUSTICE

Andrea Coomber KC (Hon.)

Luke Moffett, Professor, School of Law, Queen's University Belfast

Carla Ferstman, Professor, Essex Law School

Lutz Oette, Professor, School of Law, Gender and Media, and Centre for Human Rights Law, SOAS University of London

Rachel Murray, Professor of International Human Rights Law and Director of the Human Rights Implementation Centre, University of Bristol Law School

Jessica Lynn Corsi, Senior Law Lecturer, City, University of London

Fiona McKay, Human Rights Lawyer

Lynn Welchman, Professor, School of Law, SOAS University of London, and Commissioner, UN Human Rights Council Commission of Inquiry on Syria

Philip Leach, Professor of Human Rights Law, Middlesex University London

Professor Leigh A Payne, University of Oxford

Cesare P.R. Romano, Professor of Law, W. Joseph Ford Fellow, Loyola Law School, United States

Professor Rosemary Hunter KC (Hon) FAcSS, Professor of Law and Socio-Legal Studies and Head of School, Kent Law School, University of Kent