



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Committee of Ministers
Comité des Ministres

Ministers' Deputies

CM Documents

CM(2007)69 1 June 2007¹

998 Meeting, 13 June 2007

4 Human Rights

4.1 European Court of Human Rights - Election of judges – List of candidatures in respect of Austria

¹ This document has been classified restricted at the date of issue. It was declassified at the 998th meeting of the Ministers' Deputies (13 June 2007) (see CM/Del/Dec(2007)998/4.1).

*From: ETTMAYER Wendelin <OV Strassburg>
Date: Thursday 15 March 2007 10:39
To: 'philippe.boillat@coe.int'
Re.: Nomination of the Austrian candidates for the office as judge at the European Court for Human Rights*

Zl.: 1.8.2/2-2007

Dear Mr. Boillat,

I can inform you that the Austrian government has nominated the following personalities (in alphabetical order) for the office as judge at the European Court for Human Rights:

Dr. Ursula Kriebaum, Assistant at the University of Vienna
Dr. Stefan Rosenmayr, Justice at the Supreme Administrative Court
Dr. Elisabeth Steiner, Judge at the European Court of Human Rights

Attached I also transmit the CV's of the three personalities nominated.

Sincerely yours,

Wendelin Ettmayer

Permanent Representation of Austria
to the Council of Europe
29, Avenue de la Paix
F-67000 Strassburg
Tel.: +33 388 36 64 04
Fax: +33 388 25 19 88
Email: wendelin.ettmayer@bmaa.gv.at

CURRICULUM VITAE
Ursula KRIEBAUM

I. Personal information

- Kriebaum, Ursula
- female
- Born: August 5, 1971, Vienna, Austria
- Nationality: Austrian

II. Education

University of Vienna, Faculty of Law: 1989/90 - 1998/99

- Participant in the “Concours Européen des Droits de l’Homme René Cassin” 1993 for the University of Vienna
- Master of Law: awarded, May 1994
- Doctor Jur.: January 1999 (Doctoral thesis on: The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment)

Faculté de Droit et de Science Politique de l'Université de Bourgogne (Sommersemester 1992)

- International Relations
- Political Life Analysis (Regional Conflicts)
- Public International Law II

International Institute for Human Rights (Strasbourg)

- Participation in the 1993, 1994, 1995 Study Session
- Participation in the 22 intensive training session for university teaching and research in human rights 1994
- Diploma of International and Comparative Law of Human Rights awarded by the International Institute of Human Rights (Strasbourg) in 1995

Finland - University of Helsinki

- Participation in the eleventh Helsinki Summer Seminar on International Law 1998

III. Professional Activities

b. Non judicial activities

University of Vienna, Law School

- Assistant at the Institute of Roman Law 1993 – 1995
- Assistant at the Institute of Public International Law 1995 – 1999
- Since 1999 Assistant Professor at the Institute of Public International Law;
- On maternity leave (December 2001 - January 2004)
- Seconded to Office of the Legal Advisor of the Austrian Ministry for Foreign Affairs (Section General International Law), 3 April 2000 – 2 April 2001;
- Member of the team of the Special envoy for restitution issues“ Dr. Ernst Sucharipa for the Austrian Holocaust Restitution Negotiations 2000/2001
- Delegate to the ICC Preparatory Committee July 2000 session
- Assistant Editorial Manager of the Austrian Review of International and European Law: since 1996.
- Short term expert: EU Twinning Project TR02-JH-01 “Improvement of Statement-taking Methods and Rooms”, September 2004 - February 2006.

IV. Activities and experience in the field of human rights

a. Teaching in the field of human rights

University of Vienna, Law School

- Coach of the Moot Court Team of the Law School for the "Concours européen des droits de l'homme René Cassin" in Strasbourg in :
1994/95 (2nd rank) (together with Mag. Huber),
1995/96 (2nd rank),
1996/97 (1st rank),
1997/98 (3rd rank) (together with Mag. Buffard),
1998/99 (11th rank) (together with Mag. Buffard),
1999/00 (4th rank).
- Lecture on the practice of the European Commission and the European Court of Human Rights, WS 1995/96 (together with DDr. Grabenwarter) 2h,
WS 1996/97 (together with DDr. Grabenwarter) 2h,
WS 1997/98 2h, WS 1998/99 2h, WS 1999/00 2h.
- Lecture on the international protection of Women's Rights,
winter term 1995/96 (together with Mag. Putzer) 2h.
- Torture Prevention, International and National Monitoring Mechanisms, SS 1999, 2h.
- Individual Criminal Responsibility for Serious Human Rights Violations, SS 2000, (together with Doz. Nowak), 2h.
- Lecture: European and International Protection of Human Rights, University Vienna Summer School, Strobl, August 2001.
- The International Human Rights Regime (gemeinsam mit Doz. Nowak), WS 2001, 3h (1h Kriebaum, 2h Nowak).
- The International Human Rights Regime II - special issues, WS 2004/2005, 1h; WS 2006/2007, 1h.
- Holocaust Restitution in Austria SS 2004, 1h.
- Deprivation of property - special focus on indigenous issues (together with: Dr. Binder), SS 2005, 2h; SS 2007 2h.

Vienna Diplomatic Academy:

- Professorial Lecturer since 2002.
- Human Rights Law (Diploma Course and Special Programme in International Studies) (SS 2002, SS 2003, SS 2004, SS 2005, SS 2006).
- Master of Advanced International Studies Program of the Vienna University and the Vienna Diplomatic Academy: Interdisciplinary Seminar on Globalization: Universal Human Rights or Clash of Civilisations (June 2002, June 2003, June 2004, June 2005).
- UN Simulation - Womens' Rights (31 May/1 June 2005, 23 May 2006).
- International Human Rights System - Intensive Course in European Studies for Junior Diplomats and Junior Civil Servants from South-East European Countries, Belarus, Moldova, Ukraine and Turkey (August 2005, 10 mal à 2h).

North West Council on Study Abroad/Mid West Consortium for Study Abroad/AHA-International:

- The International Protection of Human Rights, SS 1999, SS 2000.

Austrian Federal Academy:

- The prohibition of refoulement in Art 3 ECHR and Art 3 CAT (together with W. Suntinger), seminar for the Austrian independent asylum-senate, 13 March 1998.
- Seminar on the European Convention for the Protection of Human Rights: Art 5 ECHR (18 May 1998)
- Seminar on the European Convention for the Protection of Human Rights: Art 2, 3, 13 ECHR (17-19 May 1999)
- UN Human Rights Standards and their implementation in Austria: Individual Criminal Responsibility for Gross Violations of Human Rights: The International Criminal Tribunals for the Former Yugoslavia and Rwanda and the new International Criminal Court (21 October 1999, 17 October 2000, October 2001)
- The standards established by the European Committee for the Prevention of Torture, 18 November 1999
- Seminar on the European Convention for the Protection of Human Rights: Art 2 ECHR (16 May 2000)

European Master's Degree in Human Rights and Democratisation

- Venice: Tutorial: OSCE - HCNM, The Human Dimension Mechanisms, 26. October 1998.
- Vienna: Torture Prevention, International and National Monitoring Mechanisms, SS 1999, 2h.
- Vienna: Individual Criminal Responsibility for Serious Human Rights Violations, SS 2000, (together with Doz. Nowak), 2h.

International Civilian Peace-keeping and Peace-building Training Program - Austrian Centre for Peace and Conflict Resolution:

- Specialisation Course on Human Rights Protection, 27 June - 2 July 1999 (together with Mag. Knauss, Doz. Nowak, Mag. Suntinger).
- Introduction to Women's Rights - Foundation Course: Introduction to Human Rights Protection, 9 June 2000.

“Mission Preparation Training Programme for the OSCE” (MPT): Human Rights and Rule of Law, 6 April 2003.

b. Public lectures and addresses in the field of human rights

- Weiterbildungsveranstaltung für Flüchtlingsbetreuer nach dem AsylG 1997 - 20. März 1998: „*Refoulementverbot gemäß Art 3 EMRK und Art 3 CAT*“.
- Richterwoche: *Current developments in the field of human rights protection* (case law of the ECHR, CJEC; relationship Strasbourg-Luxembourg; human rights violations by non-state actors; recent developments concerning protection mechanisms: ECPT, 11 ad prot. ECHR, collective complaints procedure European Social Charter, ICC) (17 October 1998)
- Renner Institute, Vienna: *Developments in the field of human rights protection since the Vienna World Conference on Human Rights 1993* (16 November 1998)
- Law Faculty Vienna - ELSA: *Latest developments of international mechanisms for the protection of human rights* (10 December 1998)
- University Miskolc - Nemzetközi konferencia, Miskolc: *The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment: An Overview over its Mandate and Activities* (6 March 1999)
- LEFÖ - Seminar: *Trafficking in Women: Women's Rights - Human Rights: International Norms against Trafficking in Women* (17 April 1999)
- Administrative Academy Vienna: *Basic Rights in Austria - Human Rights in Europe* (4 Mai 1999)
- 24. Österreichischer Völkerrechtstag (3-5 June 1999), St. Gilgen: *Immunity and Crimes against Humanity (The Pinochet Case)*
- University Vienna - Course on Humanitarian and Health Action - International Master of Humanitarian Medicine, Vienna: *Preventive measures and control mechanisms against human rights violations: The view from the European Committee for Prevention of Torture* (25 June 1999)
- Meeting of Austrian NGOs concerned with people in pre-expulsion detention, Innsbruck: *CPT-Standards for the detention of foreigners* (18 September 1999)
- Deutscher Richterratschlag, Munich: *The role of international courts in the relation between international and internal law* - (ECJ, ECHR, ICC, ICTY, ICTR) (31 October 1999)
- Symposium, Vienna: *Torture and Persecution (25/26 November 1999): Torture as a fundamental problem of human rights* (FHS Favoriten)
- Millenniums Conference Ankara Bar Association, Ankara: *Principles of ethics and human rights as basic premises of law*, 13 January 2000
- Master Program University Frankfurt/ Oder, Vienna: *The prohibition of Torture in Public International Law* (23 February 2000) (Vienna)
- University goes public, Vienna: *All human rights for all* (29 February 2000)
- University goes public, Vienna: *Who is a refugee* (9 March 2000, 22 March 2000)
- Renner Institute – Symposium, Vienna: *Crimes against humanity: Handling of violence – the examples of Latin America, Asia and the Balkans: the possibilities of international criminal law* (6 May 2000)
- Council of Europe, VII. EUROPEAN LAW WEEK, Matej-Bel University Banská Bystrica, Banská Bystrica: *Other European instruments for the protection of Human Rights: The Convention for the prevention of torture and inhuman or degrading treatment* (6 - 10 November 2000)

- Prison Watch International, Vienna: *The situation in Turkish prisons - international law aspects* (18 November 2000)
- ÖH -AI – Human Rights Week, Vienna – 10 December 2000: „*Racial Discrimination a First Step on the Way to Torture*“.
- 26. Österreichischer Völkerrechtstag, Wien - 14-16 June 2001: „*Human Rights and Sharia*“.
- Austrian Institute for East and Southeast-Europe/Institute for International Studies of the Faculty for Social Sciences of the Karls-University Prag/Masaryk University Brno, Symposium, Brno: *Restitution for expropriation and forced labour: The Austrian Restitution Agreement of 17.1.2002* (1-2 July 2002)
- Symposium, Diplomatic Academy, Vienna, Indigenous People: International Law, Conflict Resolution, Sustainable Development - 28. Oktober 2002: „*The Protection of Indigenous Peoples Rights under Article 27 ICCPR*“.
- OIIP Expert Forum on Southeast Europe, Vienna: *The war crimes tribunal in The Hague a success story?* (Panellist) (February 2003)
- Univerzita Karlova V Praze, Evropské Informační Strědkisko, International Conference on the Implementation of the Optional Protocol to the UN Anti Torture Convention under the auspice of the Czech Minister of Foreign Affairs, Prague: *The Austrian Human Rights Advisory Council* (9-10 February 2004)
- EU Twinning Project TR02-JH-01 “Improvement of Statement-taking Methods and Rooms”, Opening Conference, Ankara: *Measures to avoid ill-treatment in the context of Statement-taking* (8 September 2004)
- EU Twinning Project TR02-JH-01 “Improvement of Statement-taking Methods and Rooms”, Final Conference, Ankara: *The Development of Standards for Statement Taking and Statement taking rooms in the Turkish Context* (4 February 2006)
- Gesellschaft österreichischer Völkerrechtlerinnen, Wien - 7. Februar 2006: “*Protection against expropriation without compensation under international investment law*”.
- 31. Österreichischer Völkerrechtstag, München - 29. Juni -1. Juli 2006: “*Permissible Regulation or Indirect Expropriation*”.

c. *Other activities in the field of human rights*

- Deputy Member of the Human Rights Advisory Board of the Austrian Ministry of the Interior nominated by Amnesty International: July 1999 – June 2002
- Member of the Jury for the “Bruno Kreisky Preis für Verdienste um die Menschenrechte“

V. **Publications**

- *27 publications: 1 book, 26 articles or contributions in books*
- “Prevention of Human Rights Violations”, 2 ARIEL 1997, p. 155-189.
- “Freiheitsbeschränkungen im Transitbereich”, in: R. Thienel/C. Grabenwarter (Hrsg.), *Kontinuität und Wandel der EMRK. Studien zur Europäischen Menschenrechtskonvention*, 1998, p. 71-95.
- “Folterprävention in Europa. Die Europäische Konvention zur Verhütung von Folter und unmenschlicher oder erniedrigender Behandlung oder Bestrafung”, 2000, 786 pages.
- “Etik İlkeleri ve Hukukun Temel Öncüleri Olarak İnsan Hakları, (Ethische Prinzipien und Menschenrechte als Grundvoraussetzungen des Rechts)”, in: HUKUK KURULTAYI 2000, p. 11-15.
- “Menschenrechte und Scharia”, in: I. Marboe/A. Reinisch/S. Wittich (Eds.), *Österreichischer Völkerrechtstag 2001, Favorita papers No. 2* (Vienna 2002), p. 113-139.
- “Restitution Claims for Massive Violations of Human Rights During the Nazi Regime – the Austrian Case”, in: G. Ulrich / L. Krabbe Boserup (eds.) *Reparations: Redressing Past Wrongs, Human Rights in Development Yearbook 2001, 2003*, p. 163- 210.
- “Privatising Human Rights, The Interface between International Investment Protection and Human Rights”, in A. Reinisch / U. Kriebaum, *The Law of International Relations – Liber Amicorum Hanspeter Neuhold*, 2007, p. 165-189.
- “The Concept of Property in Human Rights Law and International Investment Law”, in S. Breitenmoser aO (Eds.), *Liber Amicorum Luzius Wildhaber, Human Rights Democracy and the Rule of Law*, 2007, p. 743-762, (together with C. Schreuer).

VI. Languages

a. First language

- German*
- Reading: VG
 - Writing: VG
 - Speaking: VG

b. Official languages

- English*
- Reading: G
 - Writing: G
 - Speaking: G

- French*
- Reading: G
 - Writing: G
 - Speaking: G

I will take up permanent residence in Strasbourg if elected a judge to the Court,

Ursula Kriebaum m.p.

CURRICULUM VITAE
Stefan ROSENMAYR

I. Personal details

Sex: male

Date and place of birth: 23 December 1954, Vienna, Austria

Nationality: Austrian

II. Education and academic and other qualifications

1960 - 1973: elementary and secondary education (humanistisches Gymnasium) in Vienna

1973 - 1978: studies of law and political science at the University of Vienna, Dr. iur. 1978

1978 - 1979: clerkship at different courts in Vienna

1979 - 1980: studies of law at the Columbia University, School of Law, New York, LL.M. 1980

III. Relevant professional activities

a. Judicial activities

1993-1999: Member of the Austrian Independent Environmental Board

since 1995: Justice at the Supreme Administrative Court

b. Non-judicial legal activities

1981 - 1988: Assistant Professor at the Institute of Constitutional and Administrative Law at the University of Vienna, Lecturer of Administrative, Constitutional Law and Human Rights Law

1987: Professeur stagiaire, Council of Europe, Directorate of Human Rights

1988 - 1995: Legal expert at the Directorate of Constitutional Law of the Federal Chancellery of Austria

c. Non-legal professional activities

None.

IV. Activities and experience in the field of human rights

The law of human rights has been a main focus of my work since the beginning of my professional career at the Institute of Constitutional and Administrative Law at the University of Vienna in research and teaching. Apart from that I attended court proceedings as a human rights observer and participated in fact-finding missions in other countries. As a professeur stagiaire at the Directorate of Human Rights of the Council of Europe 1987 I became directly acquainted with the protection machinery of the ECHR.

As an expert nominated by the Austrian Government I participated in the drafting of Protocol No. 11 to the Convention. I was the Austrian expert of the Committee of Experts for the Development of Human Rights (DH-DEV) for several years (until 1994). I was chairman of the working group of experts which elaborated a Declaration and a Recommendation of the Committee of Ministers on the Protection of Journalists in Situations of Conflict and Tension of 3 May 1996.

Within the Directorate of Constitutional Law of the Federal Chancellery I was engaged in the drafting of a new code of constitutional basic social rights for a high ranking commission ("Grundrechtskommission").

I have presented reports and participated in a number of international congresses and workshops dealing with human right law.

As a legal expert at the Directorate of Constitutional Law of the Federal Chancellery of Austria I have prepared a considerable number of memoranda for the Austrian government in proceedings before the European Commission and Court of Human Rights. I have prepared and presented reports to the Committee on Economic, Social and Cultural Rights (CESCR) under the International Covenant on Economic, Social and Cultural Rights.

As a judge at the Supreme Administrative Court since 1995 I apply the European Convention of Human Rights, which is part of Austrian constitutional law.

V. Public activities

Member of the Austrian Commission of Jurists
Member of the International Association of Refugee Law Judges
No member of a political party

VI. Other activities

Ownership of a few acres of agricultural land (forest)

VII. Publications and other works

Artikel 3, in: Ermacora/Nowak/Tretter (eds.), Die Europäische Menschenrechtskonvention in der Rechtsprechung der österreichischen Höchstgerichte, 1983, 139 ff;

Sechstes Internationales Kolloquium über die Europäische Menschenrechtskonvention in Sevilla (with Manfred Nowak and Christoph Schwaighofer), EuGRZ 1986, 232; english version: Human Rights Law Journal 1986, 117 ff;

Aufenthaltsverbot, Schubhaft und Abschiebung, Zeitschrift für Verwaltung 1988, 1 ff;

Das Recht auf persönliche Freiheit und Freizügigkeit bei der Einreise von Ausländern, EuGRZ 1988, 153 ff;

Anmerkungen zu Grundrechten von Minderjährigen, in: Österreichische Juristenkommission (ed.), Kritik und Fortschritt im Rechtsstaat, 1994, 35 ff;

Asylrecht, in: Machacek/Pahr/Stadler (eds.), Grund- und Menschenrechte in Österreich, III 1997, 535 ff;

Die Ablehnung von Beschwerden gemäß § 33a VwGG - Rechtliche Grundlagen und Handhabung in der Praxis, in: Thienel (ed.), Verwaltungsgerichtsbarkeit im Wandel, 1999, 75 ff;

Environmental Damage in Europe: Austria, in: Cordini/Postiglione (eds.), Prevention and remedying of environmental damage, Bruxelles 2005, 63 ff

Several other publications.

VIII. Languages

- a. First language: German (mother tongue)
- b. Official languages: - English: reading VG, writing VG, speaking VG
- French: reading VG, writing G, speaking VG
- c. Other languages: - Italian: reading G, writing F, speaking G

IX. Other relevant information

Married, two children.

X. Confirmation

I confirm that I will take up permanent residence in Strasbourg if elected a judge on the Court.

**CURRICULUM VITAE
Elisabeth STEINER**

I. Personal details

Name, forename Steiner, Elisabeth
Sex Female
Date and place of birth 21 March 1956 in Vienna
Nationality Austrian
2 children

II. Education and academic and other qualifications

Sacré Coeur, Preßbaum (primary and secondary school, Matura (school leaving certificate), specialising in modern languages (eight years' French)

Academy for Music and the Performing Arts, Vienna: Diploma in Culture Management, June 1978

Faculty of Law, University of Vienna: Master of Law, April 1980

Faculty of Law, University of Vienna: Doctor of Law, 1981

Economics University (Academy for International Trade), Vienna: Master's degree (business administration), November 1983

Diploma dissertation on China

Economics University (Academy for International Trade), Vienna: Doctorate (business administration), January 1985

Dissertation: Obstruction of service and the Employee: legal, legislative and historical aspects

III. Relevant professional activities

a. Judicial activities

As of 1 November 2001: Judge at the European Court of Human Rights

b. Non-judicial legal activities

Nine months as legal trainee in the courts: District Court, Hietzing, District Criminal Court, Vienna (assistant to the President), and Commercial Court, Vienna

Training as lawyer, experience in legal drafting, with special emphasis on labour law (individual and collective labour law)

Admission to the Bar, Chamber of Attorneys for Vienna, Lower Austria and the Burgenland, December 1987

Established legal practice in Vienna, January 1988: in practice independently since that date.

1.11.2001 Election to the European Court of Human Rights.

IV. Activities and experience in the field of human rights

Before becoming a judge at the European Court of Human Rights I was always actively involved in human rights and civil liberties issues, even before I worked as a practising lawyer.

When I worked as a lawyer I was intensively involved with:

- the law applying to aliens
- women's issues

- for almost 20 years, daily forensic experience in pursuit of fundamental civil and human rights in all types of legal action, in all the courts and before all types of administrative authorities in Austria, in the context of my labour law activities, including both individual and collective labour law, legal activities in relation to cases involving practices repugnant to human dignity, e.g.:

- certain piecework systems
- violations of secrecy of the post
- unauthorised telephone and e-mail surveillance
- mobbing
- sexual harassment
- unwarranted invasion of personal privacy
- conditions of employment which, in the absence of adequate legal provisions governing aliens, border on exploitation
- conditions repugnant to human dignity in the training of apprentices by employers
- dismissal and notice of termination of employment on the grounds of membership of a trade union or political party, or on the grounds of age
- collective bargaining agreements

- legal representation of foreigners wishing to establish residence and permanent homes in Austria

- March 1999 – October 2001, acting for some 80,000 former slave and forced labourers from Ukraine, Belarus and Russia, involving extensive fact-finding missions to those countries
- 1999 – January 2001, representing Holocaust victims from various countries (USA, Austria, etc.)
- in January 2001, signatory to the Joint Statement on Restitution in Washington, D.C.

- appointed member of the Expert Committee on Labour Law of the Chamber of Attorneys, Vienna (until 1 November 2001)

- membership of various international lawyers' associations and of a European lawyers' network (until 1 November 2001)

- Since I became a judge at the European Court of Human Rights I have participated in various conferences and colloquia relating to human rights, examples include: discrimination against women and foreigners; terrorism and human rights; development of the case-law of the European Court of Human Rights from 1998 to the present; leading cases of the European Court of Human Rights in the last 5 years.

V. Public activities

VI. Other activities

Since 1980, extensive travel for study purposes to:

- China (including Central and West Tibet), Nigeria, Bhutan, Nepal (including the semi autonomous kingdom of upper Mustang), Morocco, Sierra Leone, Algeria, Belarus, Ukraine

Where possible in these countries, contacts with women's rights organisations (where they exist) and to private individuals and other organisations.

VIII. Languages

Language	Reading			Writing			Speaking		
	VG	G	F	VG	G	F	VG	G	F
a. First language									
German	x	"	"	x	"	"	x	"	"
b. Official languages:									
- English	x	"	"	x	"	"	x	"	"
- French	x	"	"	x	"	"	x	"	"

IX. Other relevant information

X. Please confirm that you will take up permanent residence in Strasbourg if elected a judge on the Court.

I am happy to live currently together with my two children in Strasbourg. Both attend school here: my daughter Anna at Lycée International des Pontonniers and my son Alexander at Collège de l'Esplanade.