

Doc. 10942
1 June 2006

Election of judges to the European Court of Human Rights - List of candidatures in respect of Finland and Switzerland

(in accordance with Article 23, paragraph 1, of the European Convention on Human Rights)

Communication from the Committee of Ministers

Letter from the Secretary General of the Council of Europe to the President of the Parliamentary Assembly, dated 24 May 2006¹

Dear President,

Pursuant to the decision of the Ministers' Deputies, I am sending you the enclosed list of candidates for the posts of Judge of the European Court of Human Rights in respect of Finland and Switzerland.

...

Signed:

Terry Davis

¹ On 12 January 2005, pending the Assembly's decision on a possible modification of Resolution 1366 (2004) on candidates for the European Court of Human Rights, the Bureau temporarily suspended the examination of lists of candidates for the Court having all the same sex, if that is the sex which is under-represented on the Court. On 18 March 2005, the Standing Committee adopted Resolution 1426 (2005) amending Resolution 1366 (2004) and allowing single-sex lists under specified circumstances.

European Court of Human Rights – Election of judges

b. List of candidatures in respect of Finland
(CM(2006)87)

Decisions

The Deputies

1. took note of the list of candidates for the election of a judge of the European Court of Human Rights presented in respect of Finland;
2. agreed to transmit the list of candidates in respect of Finland to the Parliamentary Assembly.

European Court of Human Rights – Election of judges

a. List of candidatures in respect of Switzerland
(CM(2006)78)

Decisions

The Deputies

1. took note of the list of candidates for the election of a judge of the European Court of Human Rights presented in respect of Switzerland;
2. agreed to transmit the list of candidates in respect of Switzerland to the Parliamentary Assembly.

Ministers' Deputies
CM Documents

CM(2006)87 18 May 2006²

965 Meeting, 24 May 2006

4 Human Rights

4.3 European Court of Human Rights –
b. Election of judges – List of candidates in respect of Finland

² This document has been classified restricted at the date of issue. It was declassified at the 965th meeting of the Ministers' Deputies (24 May 2006) (cf. CM/Del/Dec(2006)965/4.3b).



PERMANENT REPRESENTATION OF
FINLAND TO THE COUNCIL OF
EUROPE

ENE5004-17

Strasbourg, 27 April 2006

Ms Jane DINSDALE
Director General *a.i.*
Directorate General for Human Rights - DG II
Council of Europe



Dear Ms Dinsdale,

responding to your letter of 20 December 2005, I have the great honour of transmitting herewith the list of candidates, in alphabetical order, for the election of a judge at the European Court of Human Rights in respect of Finland:

Ms Päivi HIRVELÄ, 1954, State Prosecutor (Licentiate of Laws)

Mr Gustav MÖLLER, 1941, Judge at the Supreme Court of Finland (Licentiate of Laws)

Mr Martin SCHEININ, 1954, Professor (Iuris doctor)

Yours sincerely,

Ann-Marie Nyroos
Ambassador,
Permanent Representative of Finland
to the Council of Europe

Annexes: 3 Curriculum vitae (in English)



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21 February 2006

CURRICULUM VITAE

Family name Hirvelä
First names Päivi Maarit
Sex Female
Date of birth 10 December 1954
Place of birth Rovaniemi, Finland
Nationality Finnish
Title State Prosecutor
Organisation Office of the Prosecutor General
Address to office and telephone number

Office of the Prosecutor General
POB 333
FIN-00181 Helsinki, Finland

Phone +358 10 36 20800
Mobile +358 50 363 3085
Fax +358 10 36 20888
Email paivi.hirvela@om.fi

Home address and telephone number

Ruotsinkatu 34
FIN-15210 Lahti
Finland

Phone +358 3 734 4965
Email paivi.hirvela@surfeu.fi

Education and academic qualifications

Licentiate of Laws, University of Helsinki, Finland, 1997
Court training, District Court of Lapland, 1980
Master of Laws, University of Helsinki, Finland, 1980
Matriculation examination at Rovaniemi High School, Finland, 1975

Relevant professional activities

a. Judicial activities

International positions held:

Lawyer, the European Court of Human Rights (18 June – 31 December 2001, on leave from the Office of the Prosecutor General)

Exchange prosecutor in Sweden (1 April – 30 June 1999, on leave from the Office of the Prosecutor General)

Domestic positions held:

Judge for a total of 9 years, prosecutor for 16 years

State Prosecutor, Office of The Prosecutor General (1 February 1999 -)

District Prosecutor, Lahti Prosecutor's Office (1 September 1990 – 31 January 1999)

Assistant Judge of the Court of Appeal, Kouvola Court of Appeal (1 August 1982 – 31 August 1990)

Referendary, Office of the Parliamentary Ombudsman (14 September 1998 – 31 January 1999, ancillary job)

District Judge, Lahti District Court (1 October 1994 – 31 December 1995, on leave from the District Prosecutor's Office)

District Judge, Orimattila District Court (1 February – 31 May 1990, on leave from the Court of Appeal)

District Prosecutor, Lahti Prosecutor's Office (1 January 1986 – 4 April 1988, on leave from the Court of Appeal)

District Judge, Lahti District Court (1982 - 1986 many periods, ancillary job)

Legal Aid Counsel in Lahti (1 June – 31 August 1982)

Legal Aid Counsel in Sodankylä (12 November 1981 – 28 February 1982)

Rural Police Chief, Kolari Police District (22 May – 21 June 1980)

b. Non-judicial legal activities

Assistant in Criminal and Procedural Law, University of Helsinki, Faculty of Law (1 July 1996 – 31 March 1997, on leave from the District Prosecutor's Office)

Researcher, University of Helsinki (1 January – 30 June 1996, on leave from the District Prosecutor's Office)

Research Assistant, The National Research Institute of Legal Policy (28 August – 21 November 1980)

Activities and experience in the field of human rights

Public office

Member of a working group set up by the Ministry of Social Affairs and Health tasked with regulations concerning the Mental Health Act: those concerning criminal patients in the Penal Code (2005 – 2006).

Board member of the National Research Institute of Legal Policy 2004 -

Member of a working group set up by the Ministry of Justice tasked, based on international obligations, with preparing penal provisions in respect of trafficking in human beings, the sexual abuse of children, child pornography and illegal immigration (2002 – 2003).

Member of an expert working group set up by the Ministry of Social Affairs and Health to develop the practice to uncover offences against children (2001 – 2003).

Member of a working group set up by the Ministry of Justice tasked with assessing the use of video hearings in courts of law in the case of intimidated witnesses (2003).

Member of a working group that focused on the arrangement of prosecutors' basic training (2000 –2001).

Member of the crime prevention committee set up by the Ministry of Justice (1999 –2002).

Member of a working group tasked with the revision of the legislation on the execution of sentences to social service and the tasks of Probation Services (1998 – 1999).

Teaching work in the field of criminal procedure for prosecutors and other government organisations.

Publications

A book ISBN 951-670-003-9: A Child in Criminal Proceedings

An article, the Journal of the Finnish Lawyers' Association, vol. 95, 1997 number 7: A Child in Criminal Proceedings – Evidence Problems in Incest Cases

Currently in the process of writing my doctoral thesis with the title: Criminal Process in Sexual Crimes against Children. The Actualization of The Human and Basic Rights of a Child's Integrity in a Legal Process". Opponents assigned for doctoral thesis on 23 February 2006.

Languages

Language	Reading			Writing			Speaking		
	VG	G	F	VG	G	F	VG	G	F
a. First language									
Finnish	X			X			X		
b. Official languages									
English		X			X			X	
French			X			X			X
c. Other languages									
Swedish		X			X			X	
German			X			X			X

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

Helsinki 21.2.2006

(Signed)
Päivi Hirvelä

Curriculum vitae

I Personal details

Name, forename: Möller, Gustaf
Sex: Male
Date and Place of birth; 6 November 1941
Nationality: Finnish

II Education and academic and other qualifications

L.L.M (OTK) 1964 University of Helsinki
L.L.D (OTL) 1967 University of Helsinki

III Relevant professional activities

a. Judicial activities

Judge of the Finnish Supreme Court since 1992

Judge in charge of Toijala District Court 1986 - 1992

Acted as arbitrator in several international arbitrations

b. Non-judicial legal activities

Counsellor of Legislation at the Finnish Ministry of Justice 1976 - 1986

Finnish observer in the UNICITRAL Working Group preparing the UNICITRAL Model Law on International Commercial Arbitration and at the UNICITRAL session 1985. Finnish representative in the UNICITRAL Working Group preparing the UNICITRAL Model law on International Insolvency. Chairman of the Finnish delegation at the UNICITRAL session in 1997 (Model law on international insolvency). Finnish representative in the UNICITRAL Working Group on Arbitration 1999 -

Chairman or member various Special Commissions at the Hague Conference on Private International Law and Finnish delegate at three sessions of the Conference.

Member or observer of various Working groups set up by the Council of Europe (CDCP, CDDH and CDCJ).

Chairman of the EU/EFTA Working Party on Revision of the Brussels and Lugano Judgments Conventions 1997-1999.

IV Activities and experience in the field of human rights

I have been interested in the case-law of the European Court of Human Rights already before Finland became a Member of the Council of Europe. Human rights issues arise now and then in the cases I am currently dealing with as a judge.

V Public activities

No.

VI. Other activities

Chairman of various professional associations, including the Finnish Branch of the International Law Association and member of the Executive Council of the International Law Association 1999 -

Member of the ICC Court of International Arbitration 2004 -

Member of the European Group on Private International Law 1996 -

VII Publications and other works

Book: Välimiesmenettelyn perusteet (On Arbitration) (1997)

The Explanatory Report on the Hague Convention on International Access to Justice (1980). The Explanatory Report on the Lugano Convention on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters (together with P. Jenard) (1986).

Numerous articles in domestic and foreign legal periodicals and liber amicorums on various legal topics, including civil procedure, commercial arbitration, private international law and human rights.

VIII Languages

Language	Reading			Writing			Speaking		
	VG	G	F	VG	G	F	VG	G	F
a. First language									
Swedish	X			X			X		
Finnish	X			X			X		
b. Official languages									
English	X			X			X		
French		X				X		X	
c. Other languages									
German	X					X		X	

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

Curriculum Vitae: Martin SCHEININ (Finland)

I. *Personal details*

Name, forename SCHEININ, Martin

Sex Male

Date and place of birth 4 November 1954, Helsinki

Nationality Finnish

II. *Education and academic and other qualifications*

Iuris doctor 1991, University of Helsinki

Licentiate of Laws 1987, University of Turku

Bachelor of Science (Biochemistry) 1984, University of Turku

Master of Laws 1982, University of Turku

III. *Relevant professional activities*

a. Judicial activities

Member of the (United Nations) Human Rights Committee 1997-2004, and the Committee's Special Rapporteur on New Communications 2001-2004 (responsible for the registration of new cases and the issuing of requests for interim measures of protection)

b. Non-judicial legal activities (full-time positions only)

Professor of Constitutional and International Law, Director of the Institute for Human Rights, Åbo Akademi University 1998-

Visiting Scholar, Faculty of Law, University of Toronto (Canada) 1997-98

Associate Professor of Constitutional Law, University of Helsinki 1993-97

Special Adviser to the Ministry of Justice 1992 (a constitutional law drafting project of three months)

Researcher/Doctoral candidate, Academy of Finland/University of Helsinki 1986-92

Assistant Secretary of Parliament 1985-86

Legal/constitutional adviser of a group of MPs 1981-85

c. Non-legal professional activities

None since graduation from university.

IV. *Activities and experience in the field of human rights (including part-time positions)*

United Nations Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, 2005-

Expert opinions in the field of human rights, constitutional law and international law upon request by international organizations (Council of Europe, OSCE, UN) and national authorities (primarily the Parliamentary Standing Committee on Constitutional Law)

Training in the field of human rights, including regular training courses for Finnish judges since 1997, two training courses for Estonian judges and *ad hoc* training sessions for, *inter alia*, the Finnish Supreme Court, Supreme Administrative Court, Insurance Court, Office of the Parliamentary Ombudsman, Office of the Equality Ombudsman

Adjunct Professor in Indigenous Peoples' Law, University of Tromsø, Norway 2003-

International Law Association, Chairperson of the Committee on Human Rights Law and Practice 1997-

Member, permanent expert or secretary to several national commissions, advisory boards or drafting commissions, including the Advisory Board on International Human Rights Affairs 1988-, Constitutional Rights Reform Commission 1989-92, the Finnish UNESCO Commission 1998-, the Freedom of Religion Act Commission 1998-2001, the Advisory Board on Medical Ethics 2001-

Member of the UNAIDS Global Reference Group on HIV/AIDS and Human Rights, 2003-

Participation in trial observation or other human rights missions by non-governmental organizations: Estonia, the United Kingdom, the Russian Federation, Belarus, Moldova

Member of a joint expert group between Finland, Norway and Sweden, established to draft a treaty on the rights of the indigenous Sami people 2003-2005

Finnish national expert in the E.U. Network of Independent Experts on Fundamental Rights, 2003-

V. *Public activities*

Appearance in the Finnish media as commentator in issues related to human rights, since 1990

No other public activities after graduation from university.

VI. *Other activities*

Member of a Government Commission for the development of doctoral studies in Finland 2002-2005

VII. *Publications and other works*

Leading Cases of the Human Rights Committee (2003, together with Raija Hanski; Russian and Albanian editions 2004, Turkish edition 2005, Georgian edition forthcoming)

The Welfare State and Constitutionalism in the Nordic Countries (ed., 2001)

The Jurisprudence of Human Rights Law: A Comparative Interpretive Approach (ed. together with Theodore S. Orlin and Allan Rosas, 2000)

Perusoikeudet [Finnish Constitutional Rights Commentary] (1999, together with Pekka Hallberg, Heikki Karapuu, Kaarlo Tuori and Veli-Pekka Viljanen)

EMU ja Suomen valtiosääntö [Economic and Monetary Union and the Finnish Constitution] (1997)

International Human Rights Norms in the Nordic and Baltic Countries (ed., 1996)

Ihmisoikeudet Suomen oikeudessa [Human Rights in Finnish Law] (1991)

Aseistakieltäytymisoikeus [The right of conscientious objection to military service] 1988

Plus some 140 scholarly articles, mostly in the fields of international human rights law and Finnish constitutional law.

VIII. *Languages*

Language	Reading			Writing			Speaking		
	VG	G	F	VG	G	F	VG	G	F
a. First language									
Finnish	X			X			X		
b. Official languages:									
- English	X			X			X		
- French		X				X			X
c. Other languages:									
Swedish	X			X			X		
Norwegian and Danish	X								X
German			X			X			X

IX. *Other relevant information*

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

In Turku, Finland on 6 February 2006

(Signed)
Martin Scheinin

965 Meeting, 24 May 2006

4 Human Rights

4.3 European Court of Human Rights -

a. Election of judges – List of candidatures in respect of Switzerland

³ This document has been classified restricted at the date of issue. It was declassified at the 965th meeting of the Ministers' Deputies (24 May 2006) (see CM/Del/Dec(2006)965/4.3a).

Translation

PERMANENT REPRESENTATIVE OF SWITZERLAND TO THE COUNCIL OF EUROPE

Mrs Jane Dinsdale
Director General a.i.
Directorate General of Human Rights
Council of Europe
Strasbourg

Dated: 12 April 2006

Candidates for election as Judge at the European Court of Human Rights in respect of Switzerland

Dear Madam,

I am pleased to forward herewith the list of candidates for election as Judge at the European Court of Human Rights in respect of Switzerland. In accordance with the usual practice, the list is in alphabetical order.

- **Mr Giorgio Malinverni**, b.1941, Professor of constitutional law and international human rights law, University of Geneva; Vice-President of the Venice Commission of the Council of Europe.
- **Ms Lili Nabholz-Haidegger**, b.1944, Doctor of Law, barrister, former member of the National Council and former member of the Swiss delegation to the Council of Europe Parliamentary Assembly, Zurich.
- **Mr Giuseppe Nay**, b.1942, Doctor of Law, Federal Judge, President of the Federal Court, Lausanne.

I should be grateful if you would circulate this list, along with the enclosed curricula vitae, so that the Committee of Ministers can examine it in the course of its ad hoc informal procedure.

Yours faithfully,

Jean-Claude Joseph

Permanent Representative of Switzerland to the Council of Europe

Encl: three curricula vitae (in English and French)

CURRICULUM VITAE

I. Personal details

Name, Forename : MALINVERNI Giorgio
Sex: Male
Date and place of birth : October 3 1941, Domodossola (Italy)
Citizenship : Swiss

II. Education and academic and other qualifications

1965 : Licence en droit (M.A.), University of Fribourg (Switzerland)
1973 : Ph. D (Dr. Juris) at the Graduate Institute of international Studies, University of Geneva (Switzerland)

III. Relevant professional activity

a) Judicial activities

International Counsellor at the Constitutional Court of Croatia (named by decision of the Committee of Ministers of the Council of Europe) ; from 1997 to 1999.

b) Non-judicial legal activities

1. Actual professional activity

Full time professor of constitutional law and of international law of human rights at the Faculty of Law, University of Geneva.

2. Other related activities

- Swiss member of the European Commission for Democracy through Law (Venice Commission) of the Council of Europe (since 1990) (Vice-President from 1995 to 1997). In this capacity, many missions to Central and Eastern European countries, and draft of several opinions on constitutional questions related to those countries.
- Swiss expert on the list of experts of the human dimension mechanism of the OSCE.
- Member of the Consultative Committee established by the Framework Convention for the Protection of National Minorities of the Council of Europe (2000 – 2001)
- Member of the Committee on Economic, Social and Cultural Rights (CESCR) of the United Nations (since 2001)

3. Previous academic activities

1966-1971:	Assistant at the Faculty of Law, University of Geneva
1972-1974:	Lecturer at the Faculty of Law, University of Geneva
1974-1980:	Assistant professor at the Faculty of Law, University of Geneva.
1980-1982	Extraordinary professor at the Faculty of Law, University of Geneva
1982 and 1989:	Visiting professor at the Faculty of Law, University of Lausanne
1990-1991	Visiting professor at the Faculty of, University of Neuchâtel
1983-1989:	Director of the Department of Constitutional law, University of Geneva
1995-1998, and since 2003	
1989-1993:	Head of the Public Law Section, University of Geneva.
1994:	Visiting professor, University of Nice
1995:	Visiting professor, University of Paris II

2000-2001-
2002 and 2003

Visiting professor, University of Strasbourg

4. Scientific activities

- Member of the International Association of Constitutional Law.
- Member of the Swiss Society of International Law.
- Member of the Swiss Jurists Society.
- Member of the Geneva Law and Legislation Society.
- Member of the Board of Editors of the Swiss Review of International and European Law.
- Member of the Board of Editors of the "Revue trimestrielle des droits de l'homme".
- Member of the scientific counsel of the "Rivista internazionale dei diritti dell'uomo".

c) Non-legal professional activities

None

IV. Activities and experience in the field of human rights

a) Academic activities

- Person in charge, since 1984, of the course on the international protection of human rights at the Faculty of Law of the University of Geneva. In addition to the basic course, organization of seminars, in particular on the right to a fair trial (art. 6 ECHR), on the rights of the persons deprived of their liberty (art. 5 ECHR), on the international protection of national minorities and on the international mechanisms of control of the respect of humans rights.
- Series of lectures given in 1995 at the University of Panthéon-Assas (Paris II) on the reform of the mechanism of control instituted by Additional Protocol N° 11 to the European Convention of Human Rights.
- Series of lectures given in 1994 at the University of Nice on the international protection of national minorities.
- Director of the Certificate of continuous education in the field of human rights at the University of Geneva.

b) Non academic activities

- | | |
|----------------------|---|
| 1971-1973: | Legal adviser, International Committee of the Red Cross, Geneva |
| 1972-1977: | Member of the International Committee of the Red Cross delegation to the Diplomatic Conference (Geneva 1974-1977) on the international humanitarian law in armed conflicts. |
| 1991 and 1994 | Member of a Swiss delegation of experts on human rights to China. |
| 1992 | Member of a Swiss delegation in charge to study the causes of violence in South Africa. |
| 1978 and 1987 | Participation to the UNESCO Congresses on the Teaching of human rights (Vienna and Malta). |
| 1991 | Swiss experts in the OSCE seminar on democratic institutions (Helsinki 1991). |

V. Public activities

None

VI. Other Activities

None

VII. Publications

Total number of books: 5

Total number of articles: 120

Most important titles (8 titles)

- 1) **Droit constitutionnel suisse** (in collaboration with A. Auer et M. Hottelier), vol. I (L'Etat) 799 pages, vol. II (Les droits fondamentaux) 738 pages, Stämpfli, Berne 2000. Second edition 2006 (to be published).
- 2) **La liberté de réunion**, Georg, Genève 1981, 206 pages.
- 3) **Le pouvoir d'examen de la Cour européenne des droits de l'homme**, Mélanges Georges Perrin, Payot, Lausanne 1984, pp. 199-211.
- 4) **La Convention européenne des droits de l'homme**, in Fiches juridiques suisses: Commentary of articles 2 to 14 of the European Convention on Human Rights, Genève 1987, 180 pages.
- 5) **La pratique suisse relative à la Convention européenne des droits de l'homme**, Annuaire suisse de droit international, then Revue suisse de droit international et de droit européen (in collaboration with professor Luzius Wildhaber, of the University of Bâle; since 1991, with professor Michel Hottelier). Chronicle of the Swiss judicial practice on the implementation of the European Convention of Human Rights in Switzerland.
- 6) **La fonction des droits fondamentaux dans la jurisprudence de la Commission et de la Cour européennes des droits de l'homme**, dans Mélanges Dietrich Schindler, Bâle 1989, pp. 539-560.
- 7) **La réforme du mécanisme de contrôle institué par la Convention européenne des droits de l'homme** (Protocole additionnel n° 11), Schweizerisches Zentralblatt für Staats- und Verwaltungsrecht 1996, pp. 289-320.
- 8) **La Convention européenne des droits de l'homme et son interprète principal**, dans Mélanges J.-F. Aubert, Bâle 12996, pp. 405-417.

VIII. Languages

Languages	Reading			Writing			Speaking		
	VG	G	F	VG	G	F	VG	G	F
a. First language :									
French	X			X			X		
b. Official languages:									
English	X				X			X	
c. Other languages :									
Italian	X			X			X		
German		X				X			X

IX. Other relevant information

None

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

Geneva, March 6 2006

CURRICULUM VITAE

I. Personal details

Name, forename: Nabholz-Haidegger Lili
Sex: Female
Date an place of birth: December 31, 1944, Solothurn
Nationality: Swiss

II. Education and academic qualifications

Attorney-at-law admitted to the bar of Zurich (1972)
Doctor of Laws, University of Zurich (1971)
Lic.iur. (licentiate degree), University of Zurich (1969)
Law studies at the faculty of Law, University of Zurich
Baccalaureate (1965)

III. Relevant professional activities

Attorney-at-Law
Ombudsman of private insurance and Suva*)

IV. Activities and experience in the field of Human Rights

International level:

Council of Europe: (1999-2004)

- Member, Committee on Legal Affairs and Human Rights
- Vice-chair, Sub-committee on Human Rights
- Member, ad hoc Committee on Chechnya (joint working group PACE/Duma)
- Member, Committee on Legal Affairs and Human Rights Seminars: Abolition of death penalty in Member and Observer Countries of the Council of Europe (seminars in the US and in Japan)

OSCE (1993)

Member, Swiss Parliamentary Delegation to the Ottawa conference: Motion to establish an International Criminal Court (ICC)

Elections observer:

South Africa, Estonia, Kyrgyzstan, Georgia, Armenia, Azerbaijan

Other:

Member of the Swiss Delegation to the UN-World Conferences in Mexico-City, Copenhagen, Nairobi: International Woman's Year and follow-up.
(1975, 1980, 1985)

*) Suva: Swiss National Accident Insurance Fund. Compulsory accident insurance under public law to cover all employees.

National level:

Equal Rights:

Chair, Swiss Chapter of the UN International Women's Year

Vice-chair, Committee for an Equal Rights Amendment to the Swiss Constitution

Initiated and led Equal Rights Cases before several Swiss Tribunals (i.e. equal pay for equal work ; gender equality in school ; equality of chances in so called women's professions ; minority rights)

Other:

Co-chair, Parliamentary group against Racism and Xenophobia

V. Public activities

a) *Civil service post*

Chair, Federal Women's Rights Committee

b)

Member of Swiss Parliament (1987-2003)

- Committee on Legal Affairs (Chair 1995-1997)
- Ad-hoc joint working group "Switzerland's role during World War II" (Chair 1996)
- Foreign Affairs Committee (Chair 2003)
- Member, Committee for Social Security and Health
- Member, Petitions Committee
- Member, Amnesty Committee

Delegation to the Parliamentary Assembly of the Council of Europe (1999-2004)

- Committee on Legal Affaires and Human Rights
- Vice-chair, Sub-Committee on Human Rights
- Sub-Committee on the election of judges to the European Court of Human Rights
- Ad-hoc Committee on Chechnya (joint working group PACE/Duma)
- Committee on Culture, Science and Education
- Committee on Migrations, Refugees and Population
- Sub-Committee on Migrations
- Committee on Rules and Immunities
- Member, Seminars of the Committee on Legal Affairs and Human Right: Abolition of death penalty in Member and Observer Countries of the Council of Europe (seminars in the US and in Japan)

Parliamentary Delegation to the European Free Trade Association/European Parliament EFTA/EP (Vice-chair 2003)

VI. Other activities

- a) Field: Culture/Intellectual property
- b) Duration: 2001 – ongoing
- c) Functions: Chair, Swiss Society for authors to audiovisual works

- a) Field: Education
- b) Duration: 1998 – ongoing
- c) Functions: Chair, Foundation « Juventus Schools Zurich »

- a) Field: Charity
- b) Duration: 1998 – ongoing
- c) Functions: Vice-chair, «Kuffner Foundation Zurich»

- a) Field: Environment
- b) Duration: 1992-2003
- c) Functions: Chair, Swiss Foundation for landscape protection

- a) Field: Disabled persons
- B) Duration: 1994 – 2004
- c) Functions: Chair, SAEB (National Association for the Integration of the Disabled)

VII. Publications and other works

Reports to the Parliamentary Assembly of the Council of Europe:

Structures, procedures and means of the European Court of Human Rights (2002)

Protection of Minorities in Belgium (2002)

The Institution of Ombudsman (2003)

Ein Europa – zwei Schutzsysteme für Menschenrechte ? (One Europe – Two Human Rights protection systems?)

Neue Zürcher Zeitung 4./5.11.2000

Die « Idée Suisse » der Sprachenvielfalt (The Swiss approach to the diversity of languages)
In "Helvetia im Aussendienst", Nagel und Kimche, 2004

Entstehung und Grundanliegen des Datenschutzgesetzes (Origin and legal obligations to protect privacy)

In "Das neue Datenschutzgesetz des Bundes, Schulthess Polygraphischer Verlag, Zürich, 1993

Die rechtliche Stellung der Frau in der Schweiz (The legal status of women in Switzerland)

Verlag der Fachvereine an den Schweiz. Hochschulen, 1984

Frauenkriminalität und Strafvollzug an Frauen (Delinquency of women and penal system)

Verlag Rüegger, 1982

VIII. Languages

Language	Reading			Writing			Speaking		
	VG	G	FG	VG	G	FG	VG	G	FG
<u>First Language:</u>									
German	X			X			X		
<u>Official languages:</u>									
English	X				X			X	
French	X				X			X	
<u>Other languages:</u>									
Italian			X			X			X

IX. Other relevant information

Laureate of Ida-Somazzi-Prize for activities in the cause of democracy

Laureate of Fischhof-Prize for the engagement against racism and anti-semitism

X. Confirmation

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

Zurich, March 14, 2006

Lili Nabholz-Haidegger

CURRICULUM VITAE

Professional address

Chief Justice Swiss Federal Court
1000 Lausanne 14
+41 21 318 91 02
Giusep.Nay@bger.admin.ch

I. Personal details

Name, forename: **Nay, Giusep**
Sex: **Male**
Date and place of birth: **August 9, 1942; Trun, Grisons, Switzerland**
Marital status /family: **Married to Marie-Louise Nay-Bernhard; father of three adult daughters and grandfather of two grandsons**
Nationality: **Switzerland**

II. Education and academic and other qualifications

1974 **Doctorate of Laws** (PHD; Dr. iur. utriusque), University of Zurich
1970 Admission to the Bar (Grisons), Switzerland
1968 Degree of Laws (Lic. iur. utriusque), University of Zurich
1962 -1968 Studies of Law. Universities of Freiburg and Zurich
1962 High School Diploma (Matura Type A; Classical: Latin and Greek) in Disentis, Grisons, Switzerland

III. Relevant professional activities (currents **heavy-faced**)

a) Judicial activities

2005 - 2006 **Chief Justice of the Swiss Federal Supreme Court**
1989 - 2006 **Federal Justice, Swiss Federal Supreme Court: - 1995 Criminal Court, since First Department of Public Law**
1984 - 1988 Substitute Federal Justice (part time) of Swiss Federal Supreme Court
1982 - 1984 Judge (part time), Cantonal High Court, Grisons
1975 - 1982 Judge (part time), District Court, Coire, Grisons
1975 - 1988 Legal Practice, own law firm, Coire, Grisons
- Secretary and Vice-President of the Federal Commission of estimate XIII (expropriations)
- Judge, Military Court of XII Division
1970 - 1974 Registrar (juridical collaborator), Cantonal High Court, Grisons
1968 - 1969 Legal Traineeship, Law Firm, Coire, Grisons

b) Non-judicial legal activities

- **Editor "Zeitschrift für Gesetzgebung und Rechtsprechung in Graubünden"**
- **Member of the «Groupe Réforme pénale» of Caritas Switzerland**
- Commission of experts "Réforme des relations Eglises/Etat dans le Canton de Zurich"
- Secretary of the Cantonal Catholic Church of the Grisons
- Representative of Switzerland to the **"Consultative Council of European Judges (main committee of the Council of Europe)"** (since 2003)
- Representative (as chief justice) of the Federal Supreme Court to the **Conference of the Constitutional European Courts**
- Representative (as chief justice) of the Federal Supreme Court to the **"Association des Cours constitutionnelles ayant en partage l'usage du français (ACCPUF)"**

c) Non-legal professional activities

- **Council of the University of Freiburg (Switzerland)**
- President of Caritas Graubünden/Glarus/Principality of Liechtenstein

IV. Activities and experience in the field of human rights

- **For the last ten years as a member of the First Department of Public Law of the Swiss Federal Supreme Court** which deals with complaints of violation of human rights guaranteed by the ECHR, the ICCPR and the Swiss Federal Constitution notably in the following fields:
 .guarantee of the Human Dignity,
 . right to Live and Personal Freedom,
 .guarantees as regards protection of Children and Young People,

- right to Privacy,
 - right to Marriage and Family,
 - freedoms of Opinion and Information,
 - freedom of Media,
 - freedom of Science and Art,
 - freedom of Assembly and Association,
 - right to property,
 - freedom to Unionize,
 - guarantee of Legal Proceedings,
 - protection against Arbitrariness and Principle of Good Faith,
 - general Procedural Guarantees (the right in legal or administrative proceedings to have the case treated equally, the right to be heard, the right to free legal assistance),
 - guarantees as regards Criminal procedure and standards of the right of cantonal criminal procedure.
 - Participation in the «Groupe Réforme pénale» of Caritas Switzerland
 - Support for Amnesty International as lawyer in Coire
- V. Public activities
- a) Public office
Committee of the "Katholische Kirchgemeinde", Coire
 - b) Elected posts
Substitute for the deputy of the cantonal parliament, Grisons (District of Disentis)
 - c) Posts held in a political party or movement
Delegated of the Christian Democrat party of the Grisons
- VI. Other activities
- President of the academic student associations, Rezia in Fribourg and Kyburger in Zurich
 - Member of the Committee and President of the Romania, society for the promotion of the Romansh's language and culture.
- VII. Publications and other works
- Koordination des Grundrechtsschutzes in Europa. Die schweizerische Perspektive,** conference during the Third European Jurists' Forum 2005 in Geneva/publication: "Revue suisse de droit" (124 (2005) II, p. 97 ss).
- Rechtsprechung des Bundesgerichts zwischen positiver und negativer Neutralität des Staates,** in: René Pahud de Mortanges / Erwin Tanner (éd.), *Coopération entre Etat et communautés religieuses selon le droit suisse*, (FVRR 15), Zurich/Bâle/Genève 2005
- Selbstverständnis, Selbstbestimmungsrecht und öffentlich-rechtliche Anerkennung. Voraussetzungen der Anerkennung weiterer, auch islamischer Religionsgemeinschaften,** in: René Pahud de Mortanges / Erwin Tanner (éd.), *Les musulmans et l'ordre juridique suisse* (FVRR 13), Fribourg 2002.
- Basler Kommentar zum Schweizerischen Strafgesetzbuch** (M.A. Niggli/H. Wiprächtiger, éd.): **Art. 340 -351 und 352-358** (Juridiction fédérale et juridiction cantonale/Les autorités cantonales. Leur compétence matérielle et locale. Entraide), Bâle 2002.
- Der Übergang vom Dekanat Liechtenstein zum Erzbistum Vaduz aus staatskirchenrechtlicher Sicht,** in: Herbert Wille/Georges Baur (éd.): *Liechtenstein Politische Schriften*, Bd. 26, Staat und Kirche, Vaduz 1999 (Avis de droit demandé par le Gouvernement de la Principauté du Liechtenstein.)
- Verfassungsrechtliche Vorgaben bündnerischer Sprachenpolitik,** in: *Zeitschrift für Gesetzgebung und Rechtsprechung in Graubünden* 03/1999.
- Freie Beweiswürdigung und in dubio pro reo,** in: *Schweizerische Zeitschrift für Strafrecht* 114(1996).
- Kurzkomentar zur Zivilprozessordnung und zum Gerichtsverfassungsgesetz des Kantons Graubünden,** Chur 1986.

- VIII. Languages
 Mother tongue: *Romansh*
 Other languages: *German, French and Italian*

Language	Reading			Writing			Speaking		
	VG	G	F	VG	G	F	VG	G	F
a) First language									
<i>German</i>	X			X			X		
b) Official languages									
<i>English</i>		X				X			X
<i>French</i>	X				X		X		
c) Other languages									
<i>Italian</i>	X					X			X

- IX. Other relevant information
*A book in honor for my 60th birthday was published: **Dietmar Mieth/René Pahud de Mortanges (éd.), Recht - Ethik - Religion, Der Spannungsbogen für aktuelle Fragen, historische Vorgaben und bleibende Probleme**, Festgabe für Bundesrichter Dr. Giusep Nay zum 60. Geburtstag, Lucerne 2002*
- Interview with « ... Giusep Nay, Président du Tribunal fédéral suisse » published in **Les Cahiers du Conseil constitutionnel (français)** No 18 2005 (annexe)*
- Conference «Die Anwendung der Europäischen Menschenrechtskonvention in der Schweiz» given to **International Conference on The Influence of the ECHR Case-Law on National Constitutional Jurisprudence, Kiev, Ukraine 13-16 October 2005**, organized by the Commission européenne pour la démocratie par le droit (Commission de Venise)*
- X. Please confirm that you will take up permanent residence in Strasbourg if elected a judge on the Court.
I confirm.

February 21, 2006

Giusep Nay