



**Doc. 13725**

11 March 2015

## **Election of judges to the European Court of Human Rights<sup>1</sup>**

### **List and curricula vitae of candidates submitted by the Government of Ireland**

#### **Communication**

Secretary General of the Parliamentary Assembly

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1. In accordance with Article 22 of the European Convention on Human Rights.



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**1. List and curricula vitae of candidates submitted by the Government of Ireland**

*Letter from Mr Peter Gunning, Ambassador of Ireland to the Council of Europe, to Mr Wojciech Sawicki, Secretary General of the Parliamentary Assembly, dated 13 February 2015.*

...

I refer to the above matter and your letter of 30 July 2014 requesting a list of three candidates for the position of judge of the European Court of Human Rights in respect of Ireland.

...

The three persons are: Professor Siobhán Mullally, Dr Síofra O’Leary and Professor Gerard Quinn. As requested, I am enclosing the curricula vitae (in Word format) of the above persons according to the model CV adopted by the Parliamentary Assembly.

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**Information on national selection procedure for the position of a judge of the European Court of Human Rights**

Following on from the Council of Europe’s request of 30 July 2014, an advertisement in Irish and English was placed in the national newspapers, circulated to appropriate persons in the legal community, posted on the Department of Foreign Affairs and Trade website and on the Public Appointments Service website. The closing date for applications was 16 October.

Twenty-nine applications were received within the deadline for the competition. These applications were considered by a Selection Panel convened by the Attorney General to advise on persons qualified to act as a judge of the European Court of Human Rights. The Selection Panel was composed of: Mr Liam O’Daly (Director General of the Office of the Attorney General), Professor Donncha O’Connell (Established Professor of Law and Head of the School of Law at NUI Galway, part-time Commissioner of the Law Reform Commission) and Ms Justice Catherine Mc Guinness (retired Supreme Court Judge).

A short list of nine candidates was drawn up and those persons were interviewed by the Selection Panel on 26 and 27 November. The Selection Panel recommended three of the interviewees be put forward as candidates for election and the Government accepted this recommendation on 16 December.

## Appendix 1 – Siobhán MULLALLY

### CURRICULUM VITAE<sup>2</sup>

#### I. Personal details

Name: Mullally, Siobhán

Gender: Female

Date and place of birth: 6 December 1968, London, United Kingdom

Nationality: Irish

#### II. Education

- 2003: PhD: European University Institute, Florence (Human Rights Law)
- 1990: LLM: London School of Economics and Political Science (L.S.E.)
- 1991: Certificate in Teaching Human Rights Law, *Institut de Droits de l'Homme* (René Cassin Institute), Strasbourg, France
- 1988: Bachelor of Civil Law: University College Cork

#### III. Relevant Professional Activities

- **(2011) Professor of Law (Chair), Faculty of Law, University College Cork, Ireland** (previously Senior Lecturer (2004-2011) and Lecturer in Law (1995-2004))
- **(2006-8; 2012-2015) Director of the Centre for Criminal Justice and Human Rights, University College Cork**
- **(2012-2016) Member of the Permanent Court of Arbitration, The Hague**
- **2006- Joint Editor in Chief, Irish Yearbook of International Law (Hart Publishing, Oxford)**
- **2009- Faculty affiliate: School of Law, Emory University, USA (Vulnerability and the Human Condition Initiative)**
- 2011-12: Fernand Braudel Senior Fellow, Dept of Law, European University Institute, Florence
- 2009-10: Fulbright Scholar and Senior Fellow in Residence, School of Law, Columbia University, NY, USA
- 2004: Parsons Scholarship, Sydney Law School
- 2003: Clark Scholar, Cornell Law School, USA
- 1992-93, 1994 Visiting Lecturer (British Council Fellow), and Director of the LLM Program, University of Peshawar, Pakistan
- 1990-1995 Lecturer, Law Dept, University of Hull, UK

#### IV. Activities and Experience in the Field of Human Rights

- **2013-2018 Commissioner, Irish Human Rights Commission (and Commissioner Designate, Irish Human Rights and Equality Commission) (NHRI)**
- **2013-2018 Member of the Joint Committee of the Irish Human Rights Commission and the Northern Irish Human Rights Commission**
- **2013-2017 Member of the Council of Europe Group of Experts on Action Against Trafficking in Human Beings**
- **2013-2018 Member of the Board of the Equality Authority (NEB)**

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2. Text in bold indicates posts or missions held at present.

- **2010- Irish representative, *Odysseus Network of Experts on European Asylum and Immigration Law***
- 2012-14: Ireland Country Expert EU Network of Experts on Free Movement of Workers (2012-14)
- 2010-14: Member of the Department of Foreign Affairs and Trade NGO *Standing Committee on Human Rights*
- 2009: International Bar Association (Human Rights Institute), Expert Mission to Pakistan *The Independence and Integrity of the Judiciary*
- 2010-2014: Member of Board of Directors, *NASC, the Irish Immigrant Support Centre*
- 2006-9: Chairperson *Irish Refugee Council*
- 2007: Legal Adviser (UNDP), *Strengthening the Capacity of the National Ombudsman for Human Rights*, Kazakhstan
- 2004: Programme Officer, Human Rights and Gender Equality, UNDP, Timor-Leste (6 months)
- 2004: Legal Adviser – CEDAW, *International Human Rights Treaty Reporting and Implementation: UNIFEM / Office of the Prime Minister for the Promotion of Equality* (Timor-Leste) (3 months)
- 2004: UN Mission in Support of East Timor (UNMISSET, Human Rights Unit: Consultant / Legal Adviser, Human Rights Based Approaches to Development, (Timor-Leste) (3 months)
- 2001-3: Director of Legal Clinics and Board member (2000-2002), *NASC, the Irish Immigrant Support Centre*
- 1999: Human Rights Fellow, Human Rights Program, Harvard Law School (1999) (Jan – July)
- 1999: Legal Consultant, International Crisis Group, Kosovo (International Humanitarian / Human Rights Law Adviser, with special responsibility for Gender-based violence and Minority Rights) (July – Sept)
- 1994: Legal Consultant: Ministry of Women and Development, Ministry of Justice, Pakistan. *Women and Employment Legislation in Pakistan*
- 1993: Human Rights Commission, Pakistan, Team Leader: Inquiry into Political Rights and Fundamental Rights in Northern Areas / Kashmir.
- 1991-1992 /1993-1994: Member of the Management Committee of the Humberside Law Centre, and Caseworker on Employment Law cases

## V. Public Activities

### a. Public office

- **Commissioner, Irish Human Rights Commission (2013-2018)**
- **Member of Board of Equality Authority (2013-18)**
- **Member of the Permanent Court of Arbitration, The Hague (2012-2016)**

### b. Elected Posts

- **2013-2017 Council of Europe, Group of Experts on Action Against Trafficking in Human Beings (GRETA)**

### c. Posts held in a political party or movement

N/A

## VI. Other Activities

- 2011-12: Consultant on *Access to Justice and Development of Clinical Legal Education Methodologies* in Pakistan (Open Society Justice Foundation: Pakistan)
- 2007: (Irish Aid): Mid-Term Evaluation of the UNDP Strengthening the Justice System Programme in Timor-Leste (July-August 2007)

- 2000-2006: Expert Evaluator, Gender, Citizenship and Governance, EU FP6
- 2006: International Election Observer, European Union, Haiti
- 2002-3: Consultant, Ministry for Justice, Equality and Law Reform, Ireland: Employment Equality Legislation and Prohibited Grounds of Discrimination
- 2001: International Election Observer, Council of Europe, Kosovo
- 1999-2001: Consultant, Ministry for Justice, Equality and Law Reform, Ireland. *Equality Proofing Strategies for Law and Policy Development*

## VII. Selected Publications and Other Works

### *Books and Edited Collections*

- *Gender, Culture and Human Rights: Reclaiming Universalism* (Hart Publishing: Oxford, 2006)
- *Care, Migration and Human Rights* (ed.) (Routledge Series in Human Rights ) (in press: publication date, December 2014)
- Joint Editor-in-Chief *Irish Yearbook of International Law* (Hart Publishing: Oxford) (2007-2014) Vols 1-III (with Allain J), Vols IV-VIII) (with De Londras F)
- *A Long March to Justice: A Report on Judicial Independence and Integrity in Pakistan* (International Bar Association: London, 2009) 83pp (with Lau M, Mokhtar A, Tahmindjas P)
- *Employment Equality Law: Comparative Perspectives on the prohibited grounds of discrimination* (Dublin: Govt Publications Office, Sept. 2004) 173pp ISBN 0-7557-1904-2 (with Kilcommins S, McDonagh M, McLean E and Whelan D)

### *Articles in Peer-Reviewed Journals*

- 'Migrant Domestic Workers: exemptions, exclusions and rights' (2014) Vol 36 (2) *Human Rights Quarterly* (with C. Murphy)
- 'Separated Children in Ireland: Responding to 'Terrible Wrongs'', (2011) *International Journal of Refugee Law* Vol. 23, No. 4, pp. 632-655
- 'Civic Integration, Migrant Women and the Veil' *Modern Law Review*, January, 74(1) 2011 pp.34-54.
- 'Citizen Children, "Impossible Subjects" and Migrant Family Rights', *European Human Rights Law Review* (2011) January 43-53
- 'Domestic Violence Asylum Claims and Recent Developments in International Human Rights Law' 2011, *International and Comparative Law Quarterly* Vol 60 (2) 459-485

## VIII. Languages

English (Mother tongue), French (working language), Italian (conversational), Irish (passive working knowledge)

## IX. Other Relevant Information

Member of professional associations: International Law Association (Irish Branch); American Society of International Law; European Society of International Law.

### *Recent conference papers presented (invited)*

- 'Positive Obligations in European Human Rights Law: Implications for Effective Investigations', *Garda Síochána Training College and Anti-Human Trafficking Unit conference*, Ireland (Oct 13<sup>th</sup> -14<sup>th</sup> 2014)
- 'Human Trafficking and Continuums of Exploitation', *Irish Society of International Law, Annual Seán Lester Lecture*, Trinity College Dublin (May 18<sup>th</sup> 2014)
- 'Litigating Article 4 ECHR's prohibitions on slavery, servitude and forced labour' *Human Rights, Gender and the Law Albany Law School, New York*, (April 11-12<sup>th</sup>) 2013

- ‘Civic Integration, Migration and the Politics of Gender’ at *European Society of International Law*, Valencia, Spain, Biennial Conference, Sept 13-14 2012
- ‘Distributive justice, transformative remedies and Decent work for Migrant Domestic Workers’, *European University Institute, Faculty Colloquium*, May 3<sup>rd</sup> 2012
- ‘Gender Security, Justice in Crisis in Pakistan’ at *Gendering the Post-conflict terrains*, University of Minnesota, May 17-20 2012
- ‘International law of Citizenship and the EU Citizen’, *Citizenship in Question* symposium, Boston College, April 18-20<sup>th</sup> 2012
- ‘Access to Justice and the Role of Clinical Legal Education in Human Rights practice’, Dec 18-19, *Open Society Justice Initiative / Pakistan Bar Council*, Lahore 2011
- ‘Religion Law and State’ *Conference in honour of Dr Shrin Ebadi*, Dublin, Sept 2011
- ‘Vulnerability and Migration’ *Emory University, Law School / Smith College, Mass. USA* May 6-8 2011
- ‘Integration Abroad, the *Chakroun* case, and developments before the ECJ’, ULB, Brussels, Odysseus, Congress: *Integration: Which Way Forward*, October 27-28<sup>th</sup>, 2010
- ‘Gender, Integration and Belonging: complex questions in European Human Rights Law’, *Faculty Colloquium, Columbia Law School*, New York, Jan 27<sup>th</sup> 2010
- ‘The Use of Foreign Law in Refugee Status Determination Procedures: a European Judicial Dialogue’ at *University of Westminster / Oxford*, Jan 2008 *Judicial Dialogues between EU Member States*
- ‘Separated Children, Seeking Asylum’, *Harvard Law School Seeking Asylum Alone Project*, Brussels, March 2007

#### *Teaching Duties and Awards*

- **Programme Director, LLM in International Human Rights Law and Public Policy, University College Cork (2011-) and Convenor of the Human Rights Law in Practice (clinic) module**
- Teaching Duties: Human Rights Law; Refugee Law; European Migration Law; International Criminal Law; Public International Law; Human Rights Law in Practice (clinic)
- 2004: Recipient of *President’s Award for Research on Innovative Forms of Teaching in Human Rights Law*

#### **X. Residence in Strasbourg**

I confirm that if appointed, I would establish my residence in Strasbourg, France.

## Appendix 2 – Síofra O'LEARY

### CURRICULUM VITAE<sup>3</sup>

#### I. Personal details

Name: O'Leary, Síofra

Nationality: Irish

Date and place of birth: 20 September 1968, Dublin, Ireland

Gender: Female

#### II. Education and academic qualifications

##### *Postgraduate education*

– 1989 – 1992: European University Institute (EUI), Florence, Italy

PhD on *The Evolving Concept of Community Citizenship - From the Free Movement of Persons to Union Citizenship*. The doctorate was awarded, with distinction (Jury: Profs. K. Lenaerts, D. O'Keeffe, J. Schwarz, F. Snyder and H.U.J. D'Oliveira), in October 1993. The doctoral thesis was subsequently awarded the *Salvador Madariaga* prize by the Spanish government, in May 1995, as a thesis on European law of outstanding quality.

– 1991: Academy of European Law, EUI, Florence, Italy.

##### *Third level or graduate education*

– 1986-1989: University College Dublin (UCD)

Bachelor of Civil Law (BCL) with First Class Honours.

Winner of university prizes in the fields of real property law, constitutional law and jurisprudence.

##### *Second level education*

– 1980-1986: Muckross Park College, Dublin 4

#### III. Professional experience

##### *a. Judicial activities*

– **2012 –: Head of Unit, Research and Documentation Directorate, Court of Justice of the European Union, Luxembourg**

Responsible for a team of twenty lawyers and assistants. The unit assists the Court of Justice in the exercise of its judicial functions by analysing incoming cases, particularly preliminary references, by analysing the judgments and orders of the Court itself and by providing the Court with comparative research notes and updates regarding legal developments at European, national and international level, including regular reviews of the case-law of the European Court of Human Rights. The unit is responsible, inter alia, for the following areas of EU law – internal market, area of freedom, justice and security, Union citizenship, common foreign and security policy (CFSP), taxation, social policy and fundamental rights – and has initiated several projects on fundamental rights, restrictive measures (asset freezing) in the context of the CFSP, EU asylum law and the procedural law of the Court of Justice.

– 2005 – 2012: *Référéndaire* and *Chef de cabinet* to Judge Aindrias Ó Caoimh, Court of Justice of the European Union, Luxembourg

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3. Text in bold indicates posts or missions held at present.

- 2000 – 2004: *Référéndaire* and *Chef de cabinet* to Judge Fidelma Macken, Court of Justice of the European Communities, Luxembourg
- 1996 – 2000: *Référéndaire* to the late Judge G.F. Mancini, Court of Justice of the European Communities, Luxembourg

In the three aforementioned positions I worked in close association with each Judge when they were designated Reporting Judges in any given case or in their capacity as ordinary members of the bench. This involved working frequently in the context of the plenary and Grand Chamber formations at the Court. In cases in which the Judges were designated as Reporting Judges I was responsible for preparing every aspect of the case for the Reports for the Hearing and for the Preliminary Reports. For the latter, which are confidential documents, prepared at the end of the written procedure, to which only members of the Court have access, this entailed analysis and synthesis of the issues raised by each new case, analysis of the written observations submitted by legal counsel, in-depth analysis of relevant case-law, identification of when and how the case-law might need to be developed, the treatment of all relevant procedural issues, recommendations regarding how the cases should be dealt with within the Court (appropriate formation, measures of instruction etc) and preparation of the oral phase of procedure, including suggested questions for legal counsel for the provision of answers in writing or orally. These judicial responsibilities, carried out in conjunction with and with reference to each member, regarding the running of cases, covered all subsequent stages of the procedure before the Court, and included advising Judges on the Opinions handed down by Advocates General, the preparation of judicial deliberations and the orientation of the case in the manner each Reporting Judge considered appropriate. As *Chef de cabinet* for two consecutive Irish members of the Court, I was, in addition, responsible for the attribution of new cases within the chambers, for liaising with, supporting and supervising the work of more junior lawyers, for the treatment of procedural questions, particularly when the members in question served as Presidents of chambers, and, generally, for the smooth running of the chambers.

- 2004 – 2005: Administrator, Research and Documentation Directorate of the Court of Justice of the European Communities, Luxembourg

Responsible, *inter alia*, as the only Irish lawyer working in the Directorate, for analysing all incoming Irish cases lodged at the Court of Justice and for the preparation of contributions on Irish law for comparative research notes requested by members of the Court to assist them when treating a case. Analysis, on a daily basis, of decisions of the Court in the fields of EU law mentioned above.

## *b. Non-judicial legal activities*

### *1. Academic activities*

- **2003 –: Visiting Professor, College of Europe, Bruges**

Responsible for the supervision of Masters thesis and for the teaching of seminars on:

*European Social Law and the European Citizen*

*Employment and Social Law and Policy in the European Union*

- 2000 – 2004: Visiting Fellow, Faculty of Law, University College Dublin
- 1995 – 1996: Assistant Director of the Centre for European Legal Studies (CELS), University of Cambridge
- 1995 – 1996: Fellow of Emmanuel College, University of Cambridge
- 1994 – 1996: Research Associate, Institute for Public Policy Research, London
- 1994 – 1995: Visiting Fellow, Department of Public International Law, University of Cádiz, sponsored by the Spanish Ministry for Education and Science and the European Commission

Lecturer on the first EC Law programme, University of Cádiz

Lecturer on the Jean Monnet EC Law programme, University of Cádiz

### *2. Legal editor*

- **2012 –: Member of the Editorial Board, *Common Market Law Review***

Ranked as one of the top ten International and European Law journals, the Review's editors, who come from different Member States of the EU and different fields of European law, are responsible for subjecting articles submitted for publication to rigorous peer review.

### 3. Additional legal traineeships

- 1992 – 1993: Traineeship at the Commission of the European Communities, Directorate General responsible for competition law and policy, Brussels.
- 1989: University trainee, Bischoff and Co. solicitors, London.
- 1988: Para-legal in the office of Attorney Sharyn T. Sooho, Newton, Mass., U.S.A.

## IV. Activities and experience in the field of human rights

- 1989 – 1992: PhD researcher, European University Institute

PhD on Union citizenship - one of the very first in the field - with an important fundamental rights component. The PhD led to further teaching activities in the field of fundamental rights at, inter alia, the EUI, the College of Europe and the Institute of Human Rights in Turku, Finland.

- 1996 – 2014: Judicial activities (*référéndaire*, *Chef de cabinet* and Head of Unit), Court of Justice of the European Union, Luxembourg

In the context of the different judicial roles I have fulfilled at the Court of Justice, outlined in section III above, I have been responsible for the preparation and tracking of numerous cases involving fundamental rights at EU level, before and after the adoption of the Charter of Fundamental Rights of the EU, and for tracking relevant developments at ECHR level (see, for example, Cases C-356/11 *O & S*, C-571/10 *Kamberaj*, C-391/09 *Runevič and Wardyn*, C-135/08 *Rottmann*, C-303/06 *Coleman*, C-413/99 *Baumbast* or C-354/95 *National Farmers' Union*).

I am presently responsible for the preparation and organisation of comparative research notes at the request of the Judges and Advocates General of the Court, many of which cover the case-law of the ECHR, and for the publication three times a year of a legal bulletin called "Reflets", accessible via [www.curia.europa.eu](http://www.curia.europa.eu), which covers developments at ECHR level. In my present capacity as Head of Unit I am also responsible for a year-long project which will culminate in the publication of a digest of the case-law of the Court of Justice in the field of fundamental rights, covering the period from the proclamation of the Charter in 2000, through the recognition of its equal legal value in Article 6 TEU, following the Treaty of Lisbon, up until the end of 2014.

- 2003 – 2014: Visiting Professor, College of Europe, Bruges

Responsible for two seminars and many Masters thesis with fundamental rights at their core.

- 1992 – 2014: Academic lectures and lectures addressing practitioners and government agencies on fundamental rights and European Court of Justice procedure and practice

A list of some examples is provided below:

- Guest speaker at the annual conference of the Irish Centre for Civil Liberties, (Protection of Fundamental Rights in the EU: origins, evolution and trends) forthcoming, December 2014.
- Invited speaker at the Irish Centre for European Law conference on Fundamental Rights Protection in the EU, May 2013.
- Invited speaker at the Irish Human Rights Commission and the Law Society of Ireland 10th Annual Human Rights Conference, Promoting and Protecting Human Rights in Ireland: The Role of the Irish Constitution and European Law, October 2012.
- Guest speaker at the Irish Centre for European Law conference on Union Citizenship in Practice (Scope of Application, impact on Residence Rights, social security entitlements, and immigration procedures), November 2011.
- Guest lectures in Dublin and Luxembourg for Advisory Counsel from the Office of the Attorney General of Ireland (Court of Justice Procedure; Preliminary References; Infringement Actions).
- Guest lecture at the Faculty of Law, University College Cork, October 2008 (Practice and Procedure at the Court of Justice).

- Guest lecture at the Faculty of Law, University of Edinburgh, April 2007 (Free Movement of Persons in EU law and Union Citizenship).
- Guest lectures for the Swedish Employment Ombudsman, May 2004.
- Visiting Professor, Academy of European Law, EUI, 2003 (Charter of Fundamental Rights of the EU).
- Guest lecture at the Faculty of Law, University College Dublin, April 2000 (Indirect Discrimination, Objective Justification and the Employment Case-law of the Court of Justice).
- Guest lecture for the European Commission's Taiex Office and the Czech Ministry for Justice, March 1999 and 2000 (Free Movement in the EU; EU Social and Employment Law).
- Guest lecturer at the British Centre for European and English Law, University of Warsaw, January 1996 (Free Movement in the Internal Market).
- Invited lecturer at the Institute of Human Rights, Åbo Akademi University, Turku, Finland, 1995 (Intensive course on Fundamental Rights in the European Union).

## V. Other activities

- Member of the *Commission paritaire* of the Court of Justice, appointed at the request of the Court authorities. The committee is responsible for different questions relating to the application of provisions of the Statute and terms and conditions of employment applicable to officials and agents of the EU. In this context, it also consults and negotiates with staff representatives regarding different files and issues affecting the Court's personnel.
- Founding member of the Irish European Law Forum.
- Member of the Irish Centre for European Law.

## VI. Publications

Author of three books, two co-edited books and over forty articles published in nationally and internationally recognised legal journals. I have also presented evidence to the House of Lords Select Committee on the European Communities.

The articles published in journals were accepted after rigorous peer review. The articles in collected works or edited books were submitted on foot of invitations received from the editors.

A sample of publications is provided below:

### *Books (sole author)*

- *Employment Law at the European Court of Justice. Judicial Structures, Policies and Processes*, 2002, Hart Publishing, Oxford.
- *The Evolving Concept of European Citizenship. From the Free Movement of Persons to Union Citizenship*, 1996, Kluwer European Monographs Series.

### *Articles*

- "The Court of Justice as a Reluctant Constitutional Adjudicator: an examination of the abortion information case" (1992) 17 *European Law Review* 138-157.
- "Nationality and Community Citizenship - A Tale of Two Unhappy Bedfellows" (1992) 12 *Yearbook of European Law* 353-384.
- "The Relationship Between Community Citizenship and the Protection of Fundamental Rights in Community Law" (1995) 32 *Common Market Law Review* 519-554.
- "Accession by the European Communities to the European Convention on Human Rights: the Opinion of the Court of Justice" (1996) *European Human Rights Law Review* 362-377.
- "The New Frontiers of Sex Equality Law in the European Union" (1999) 24 *European Law Review* 331-353 (in conjunction with G.F. Mancini).

- "Solidarity and Citizenship Rights in the Charter of Fundamental Rights of the European Union" in De Búrca (ed.), *Collected Courses of the Academy of European Law*, 2003.
- "Revisiting *Defrenne*" in Poaires Maduro and Azoulai (eds.), *Past and Future of EU Law. The Classics of EU Law Revisited on the 50<sup>th</sup> Anniversary of the Rome Treaty*, Hart Publishing, 2009.
- "The Free Movement of Persons and Services – 10 years on" in P. Craig and G. de Búrca (eds.), *The Evolution of EU Law*, 2<sup>nd</sup> ed., Oxford University Press, 2010.
- "The past, present and future of the purely internal rule in EU law" (2010) *Irish Jurist* 13-46.
- "The Charter and the Future Contours of EU Social and Employment Law" in P. Cardonnel, A. Rosas and N. Wahl (eds.), *Constitutionalising the EU Judicial System. Essays in Honour of Pernilla Lindh*, Hart Publishing, 2012, pp.317-335.

## VII. Languages

- English - mother tongue
- Irish – honours Irish at Intermediate (A) and Leaving (B) certificate levels
- French – fluent (written, spoken and reading); main working language for over seventeen years
- Spanish – fluent (written, spoken and reading)
- Italian - excellent
- German – beginner

## VIII. Residence requirement

In accordance with Article 5 of Resolution CM/Res(2009)5 Resolution CM/Res(2009)5 on the status and conditions of service of judges of the European Court of Human Rights, I hereby declare that I will reside in Strasbourg if elected a judge on the Court.

I also declare that all the information furnished in this curriculum vitae is, to the best of my knowledge, complete and correct.

## Appendix 3 – Gerard QUINN

### CURRICULUM VITAE<sup>4</sup>

#### I. Personal details

Name: Gerard Quinn

Sex: Male

Date and place of birth: 25 August, 1958, Galway, Ireland

Nationality: Irish

#### II. Education and Academic and other Qualifications.

1976-1979: University College, Galway, Ireland. B.A. (Hons)

Legal & Political Science. First class honours degree.

1979-1981: University College, Galway, Ireland. LL.B. (Hons)

First class honours degree and first place in graduating year.

1981-1983: King's Inns, Dublin, Ireland. B.L., Barrister-at-Law.

Called to the Irish Bar, 1983.

1984-1985: Harvard Law School Cambridge, MA, USA. LL.M.

Awarded Harvard University Fellowship to study for LL.M., graduated in 1985. Studied human rights, public international law, American civil liberties law, legal history and theory, and comparative law. Professor Alston acted as LL.M. supervisor. The LL.M. Dissertation entitled '*Liberal Democracy and the European Convention in Human Rights: The Problem of Drittwirkung.*'

1985-1986: Harvard Law School, Cambridge MA, USA. S.J.D.

Doctoral dissertation on the utility of human rights and comparative constitutional theory entitled '*Constitutionalism, Nationalism and Divided Societies: The Case of Northern Ireland*' under Professor Frank Michelman.

#### III. Relevant Professional Activities

##### a. Description of judicial activities.

*Council of Europe, European Committee on Social Rights (2001-2006)* (treaty monitoring body under the European Social Charter). The Committee sits in a quasi-judicial capacity when dealing with Collective Complaints. I was its Rapporteur on equality, non-discrimination, the rights of the elderly and the rights of persons with disabilities. I helped to develop transform its jurisprudence on non-discrimination and connect it with the caselaw on non-discrimination under Article 14 of the ECHR.

##### b. Description of non-judicial legal activities.

**Professor of Law at the School of Law, National University of Ireland (Galway).**

**Director, Centre for Disability Law & Policy (National University of Ireland (Galway). Current Post.**

I direct a Centre on Disability Law & Policy at the School of Law in the National University of Ireland (Galway) that's builds on a variety of human rights instruments including the ECHR to put forward legislative and other blueprints for change at both European and domestic level. This is a world class research entity that has garnered major plaudits, significant funding by, e.g., Atlantic Philanthropies, the Open Society Foundations, the Marie Curie programme and a variety of European funding sources (e.g., DG Justice). Our research work is designed to assist policy makers expand their options for reform. Our education work is designed to equip

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4. Text in bold indicates posts or missions held at present.

students with the skills to engage constructively with government as well as civil society and with solutions for change. Our clinical work is designed to give experiential learning experiences as well as train students in the crafting of amicus briefs.

The Centre is a Founding member of a new Lifecourse & Society Research Institute in the University that is designed to bring together inter-disciplinary research on the elderly, children and families and people with disabilities to build on a human rights approach to policy and legislative innovation.

I previously taught law at University College Cork, Trinity College Dublin (LLM course on Mental Health and the Law – Human Rights Perspectives), University of San Diego (International Summer Schools on Human Rights). I was an Instructor on Legal Methods for 1L students at Harvard Law School and acted as research assistant to Professors Daniel Lewis Sargentich (legal theory) and Philip Alston (human rights) at Harvard.

*c. Description of non-legal professional activities.*

All of my professional activities are legal in nature

#### **IV. Activities and Experience in the Field of Human rights**

I divide my human rights activities into engagement in (a) Ireland, (b) the Council of Europe, (c) the EU and (d) internationally.

*a. Ireland*

- Commission on the Status of Persons with Disabilities (1993-1996), Member & chief author of its legislative proposals.
- Law Reform Commission, Director of Research and principle author of 1998 Report on Privacy and Surveillance (1997-1998).
- Hague Conference on Private International Law (Hague). I was the initial delegate of the Law Reform Commission when negotiating Convention 35 on the 'International Protection of Adults.'
- Department of Foreign Affairs (drafter of Ireland's Initial Report under the Council of Europe's Framework Convention on National Minorities.
- Department of Foreign Affairs, Joint Committee on Human Rights. Member (1997-2002).
- Irish Human Rights Commission (member from the inauguration of the Commission in 2002 until 2010.). Specialized in general equality issues, the rights of older people and the rights of persons with disabilities.
- National University of Ireland (Galway). I have developed and taught the following courses at Undergraduate level - Constitutional Law, Jurisprudence – Problems in the Rule of Law. And I have developed and taught seminars at the Postgraduate level on 'Theories of Judicial Activism,' 'Processes of Law Reform,' 'Autonomy and Legal Capacity Law,' Regional Human Rights Law & Disability.

*b. Council of Europe*

- Directorate of Legal Affairs, *stagiaire*, (1982). Assisted with Recommendation (83) 2E and wrote paper on the convergence of competence between the EEC and the Council of Europe.
- European Social Charter – elected member in 2001 and rose to become its vice President before leaving in 2007. Took responsibility for the case law on equality, non-discrimination, the rights of older people and the rights of persons with disabilities.
- Council of Europe High Commissioner for Human Rights. I have assisted in the drafting of two Issue Papers (on legal capacity and the right to community living.)

*c. European Union*

- European Commission, *Agent Auxiliare* in DG Employment & Social Affairs. Drafted Com (96) 4 on equality of opportunity and disability.

- European Commission, director of research on network of experts on equality & disability and then co-director of the network of experts on non-discrimination law (covering all grounds). (2001-2005).
- European Commission, director of research with the European Foundation Centre on developing a guide of good practice in implementing the UN disability treaty in EU law (2010).
- European Commission, co-director of research in drafting EU's Initial Report to the UN Committee on the Rights of Persons with Disabilities (2014).
- Marie Curie DREAM project (Disability Rights Expanding accessible Markets) – direct a network of 14 PhDs across Europe on equality and disability.
- European Union Fundamental Rights Agency (EU FRA, Vienna). Member of scientific committee (2013-). Assuming responsibility on broad equality issues including anti-semitism, the rights of older people and the rights of persons with disabilities.

*b. United Nations.*

- Office of the High Commissioner for Human Rights, Geneva (2002). Co-author of major Study for the OHCHR on the existing UN treaty system and its responsiveness to disability. The Study helped to start the process for drafting a new thematic treaty and informed the negotiations.
- Office of the High Commissioner for Human Rights (European Region, Brussels) (2013). Main author of major Study critiquing the waste of the EU Structural Funds and the need to make them more sensitive to the right to live in the community. Helped re-shape new Regulations (2013).
- UN Convention on the Rights of Persons with Disabilities: led the delegation international human rights commissions (NHRIs) during the key negotiations.
- UN Ad Hoc Committee on the Rights of Older People (ongoing): active in the debate about the need for a treaty and co-author of the Chicago Declaration on the Rights of Older people (2014).

**V. Public Activities**

*a. Public office.*

I understand Public Activities under this head to mean general activities in addition to the human rights specific activities as above in IV. I divide them into (1) International advisory board membership and (2) distinctions and awards,

*1. International Advisory Board Membership:*

- SOROS-Open Society Foundation, member of the Human Rights Initiative advisory board (2012-).
- Co-Chair, Human Rights Watch advisory Board on Disability Rights, New York, 2013-2016.
- Open Society Foundation, member of the Disability Rights advisory board (2006-2012).
- Interights (2006-2013) member of advisory board. (London). I contributed on litigation strategy on equality and disability. Board now defunct.
- European Coalition for Community Living, (ECCL) – member of advisory board (London).
- International Disability Rights Monitor, (IDRM-Washington DC)). Member of advisory board.
- Disability Rights Promotion International, (DRPI-Toronto). Member of advisory board.

*2. Distinctions:*

- I was declared a 'Champion of European Research, by the Irish Government (Dept. of Enterprise), 2012.
- I was appointed by the President of Ireland to the Council of State (providing constitutional advice to the President), (2012-)

- I was awarded the President's Award of Global Recognition by Rehabilitation International, Quebec City, 2008, for my work as one of the negotiators on the UN Convention on the Rights of Persons with Disabilities.
- I was awarded two Harvard University Fellowships to read for the LL.M and S.J.D.
- I was made a Visiting Fellow at Harvard Law School in 2005-2006.
- Forthcoming – I will be awarded with a Global Award from US International Council on Disability (USICD - Washington DC), December 2014.

*b. Elected posts.*

Elected by Committee of Ministers of the Council of Europe to sit on the European Committee of Social Rights (2001-2006).

*c. Posts held in a political party or movement.*

None. I have never been a member of any political party or grouping.

## **VI. Other Activities**

I list hereunder the (a) Reports produced under my direction at the Law Reform Commission aimed at assisting Government with broad reform options on a range of policy challenges and (b) a sample of funded research which I attracted to the University aimed at producing research that harnesses human rights to have a positive impact on Government and European disability law and policy.

*a. Law Reform Commission, Dublin.*

Director of Legal Research (1997-1998 inclusive). The Work product included:

- LRC Report on the Implementation of the Hague Convention on Protection of Children and Co-Operation in respect of Inter-Country Adoption (1997),
- LRC Report on the Unidroit Convention on Stolen or Illegally Exported Cultural Objects (1997),
- LRC Consultation Paper on Aggravated, Exemplary and Restitutionary Damages (1998),
- LRC Report on Privacy, Surveillance and the Interception of Communications (1998),
- LRC Report on Land Law and Conveyancing: Further General Proposals including the Execution of Deeds, (1998),
- LRC Consultation Paper on The Deductibility of Collateral Benefits from Awards of Damages: Section 2 of the Civil Liability (Amendment) Act (1964), 1999.

*b. Funded Research at National University of Ireland to turn human rights norms into practicable lines of reform.*

*Baseline Funding.*

- Atlantic Philanthropies, A major investment award of nearly €3 million was made in 2007 in recognition of achievements and to enable me to launch a fully dedicated Disability Law & Policy Research Centre at the National University of Ireland (Galway). Such awards cannot be solicited but are made based on track record in the field. The Centre's mission is to produce change agents in the field of disability law & policy.
- Atlantic Philanthropies. Renewal of core research funding which enabled Professor Quinn to launch the Centre on Disability Law & Policy – a core part of the Lifecourse Policy Research Institute on age, children & families on campus (2008-2011).

*Project Funding (samples).*

- EU Framework 7, Marie Curie Initial Training Network grant: DREAM – Disability Rights Expanding Accessible Markets (2011-2014: no 265057). The project which links 5 European academic institutions is led by the CDLP in Galway. The object is to train 14 early stage researchers on the UN convention & EU law to enable them become disability policy entrepreneurs at European level.
- United Nations, Office of the High Commissioner for Human Rights, European Region: (2011-2012). Commissioned to write a legal study on the re-negotiation of the EU Structural Funds from a disability perspective.
- European Union Fundamental Rights Agency (FRA). 'Fundamental rights of persons with intellectual disabilities and mental health problems'. Call: D/SE/10/02. 2011-2012). The Centre for Disability Law & Policy is part of a consortium managed by European Human Consultancy. It has produced a major report on, inter alia, legal capacity laws in Europe (to be published by EU FRA in June 2012). This is the first call by FRA in this field. Professor Gerard Quinn is on its scientific board.
- European Commission, DG Employment, Social Affairs & Equality. (2009-2010). VC/2008/1214. Produced research for a large Study (managed by the European Foundation Centre) mapping the UN disability convention onto EU law and policy. Published in January 2011.
- European Commission, DG Information Society. (2008-2009). The Centre on Disability Law & Policy was part of a consortium that led to the successful award of a research contract from DG Information Society. This project was designed to lay out legislative and other regulatory options for the European Commission in the field of eAccessibility (making the internet accessible to blind and older persons). It led to two major publications.
- Irish Government Programme for Research in Third Level Institutions (PRTLII). (2009-2012). 100% funding for 3 PhDs on disability law over 4 years.
- European Commission, DG Employment & Social Affairs. (2002-2004). European Network of Experts on Disability Discrimination Law. Prof Quinn hosted and managed this network.
- European Commission, DG Employment & Social Affairs (2005-2006). International Summer School on European Disability Law. This was funded for two years (with 14 nationalities attending).

**VII. Publications and other works**

I include here (a) headline statistics on publications, (b) a representative sample of key publications with high impact.

*a. Headline Statistics:*

- International Books: 8.
- Chapters in International books: 29.
- Major International Studies: 3.
- Articles in International Peer reviewed journals: 24.
- Major Papers delivered internationally including

Keynotes: 51.

Papers delivered in Ireland: 38

*b. Selection of Publications (up to 10):*

[This sample is representative only. A full list is available on request].

- Quinn, G., '*Human Rights: The European Union and the Council of Europe: Twins Separated at Birth?*', 46 McGill Law Journal, 849-874, (August, 2001).
- Quinn, G., '*Judicial Activism under the Irish Constitution: From Natural Law to Popular Sovereignty*' (49 pages) translated into Spanish for publication in Revista Vasca de Administration Publica (2000).

- Quinn, G., 'Dangerous Constitutional Moments: The Tactic of Legality in Nazi Germany and the Irish Free State Compared', in Morrison, J. (Ed), 'Judges, Transition and Human Rights.' (Oxford, 2007).
- Quinn, G., 'Civil Commitment and the Right to Treatment in the U.S. and Under the European Convention on Human Rights'. (Comparative U.S. & European Law), 5 Harvard Human Rights Journal (U.S., Spring 1992) 1. Lead article in issue.
- Quinn, G., 'The Right of Lawyers to Advertise in the Market for Legal Services: A Comparative American, European and Irish Perspective'. 20 Anglo-American Law Review 403 (1992). Lead article in issue.
- Quinn, G., & Alston, P., 'The Nature and Scope of State's Parties Obligations under the International Covenant on Economic, Social and Cultural Rights'. 9 Human Rights Quarterly (U.S., May 1987) 156. Lead article in issue.
- Quinn, G., & Flynn, E., "Transatlantic Borrowings: The Past and Future of European Non-Discrimination Law and Policy on the Ground of Disability", symposium issue in American Journal of Comparative Law, Vol. 60, Issue 1, January 2012.
- Quinn, G., with Doyle, S. 'Getting a Life: Living Independently and being included in the Community: legal analysis of the current use and future potential of the EU Structural Funds', (Office of the United Nations High Commissioner for Human Rights, Europe Region, United Nations, 2012).
- Quinn, G., & Arnardottir O, 'The United Nations Convention on the Rights of Persons with Disabilities: European and Scandinavian Perspectives,' Nijhof, Brill, (2009).
- Quinn, G., Degener, T., (Eds), 'Human Rights and Disability: The Current Use and Future Potential of United Nations Human Rights Instruments in the Context of Disability,' Office of the United Nations Commissioner for Human Rights, United Nations, Geneva, (2002). Published in English, French, Spanish & Russian

### VIII. Languages

- Native language: English.
- Reasonable proficiency: French, German.
- Basic Proficiency: Irish.

### IX. Languages

I declare I meet the language proficiency requirements.

### X. Other relevant information

I am regularly called on to deliver keynote papers around the world on general themes connected with human rights, equality, non-discrimination, intersectionality, disability and elder rights. The following is a representative sample.

- Quinn, G., 'Comparing European and US Equality Law – how Europe ratified the UN disability treaty,' invited closed door seminar at the US State Department (Washington, DC). 14 July, 2014.
- Quinn, G., 'Personhood and the Law – new conceptions in international law on the right to legal capacity,' American University, College of Law, Washington DC, 15 July 2014.
- Quinn, G., 'How to Frame Modern Legal Capacity Law,' keynote at the Ireland/India Policy Encounter on Disability Law & Policy, Nalsar University, Hyderabad University, India. 18-19 January, 2014.
- Quinn, G., 'Moving from Guardianship to Assisted Decision Making – Learning from Article 8 of the ECHR,' Bizchut & Ministry of Justice, Jerusalem, Israel, 3 January, 2014.
- Quinn, G., 'Toward a new Model of Legal Capacity law,' EU Fundamental Rights Agency & Irish Government conference, Government Buildings, Dublin, 9 October, 2013.
- Quinn, G., Keynote Address: US International Council on Disability (USICD), 'Toward a New US/EU Dialogue on Human Rights & Disability', October 25, 2012, Washington, D.C.

- Quinn, G., Keynote Address, ‘*The Evolution of a Commonwealth Strategy on Disability – Reflections on Key Reform Challenges*,’ Commonwealth Secretariat Conference on Disability, London, 10 January 2012.
- Quinn, G., Keynote Address, University of British Columbia, Centre for Inclusion and Citizenship, “*Personhood and the Law – philosophy, law and neuroscience*”, 29 April, 2011, Vancouver, Canada.
- Quinn, G., Address to the New Zealand Parliament, ‘*The Importance of National Monitoring Mechanisms under the United Nations Convention on the Rights of Persons with Disabilities*’. (19 February 2009, Wellington, New Zealand).
- Quinn, G., Keynote Address, Harvard Law School Conference on Legal Capacity, ‘*Personhood, Cognitive Psychology and Neuroscience – Toward a new Model of Supported Decision-making for Persons with Disabilities*.’ (Harvard University, Cambridge MA, 20 February 2010).

#### **XI. Residency if appointed**

If appointed I will take up full-time residency in Strasbourg.