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Election of judges to the European Court of Human Rights[1]

List and curricula vitae of candidates submitted by the Government of Slovenia

Communication
Secretary General of the Parliamentary Assembly

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 Slovenia

Letter from Ms Eva Tomič, Ambassador of Slovenia to the Council of Europe, to Mr Wojciech Sawicki, Secretary General of the Parliamentary Assembly, dated 25 January 2016

[…]

With reference to your letter dated of 17 February 2014, whereby the Republic of Slovenia was invited, in accordance with Article 22 of the European Convention on Human Rights, to submit a list of three candidates for the position of a judge in respect of the Republic of Slovenia, I have the honor to submit the names of the three Slovenian candidates for election of the judge to the European Court of Human Rights. This list is submitted in alphabetical order:

- Mag. Nina BETETTO;

- Dr. Marko BOŠNJAK;

- Dr. Nina PERŠAK.

[…]

The candidates were selected in a competitive procedure in accordance to the relevant guidelines of the Council of Europe. The selection procedure in Slovenia, involving all major decision makers of the Republic of Slovenia, is elaborated in the enclosed information on the selection procedure […].

The list of candidates has been submitted to the Advisory Panel of Experts on Candidates for Election as Judge to the European Court of Human Rights on 25 November 2015. Upon receiving a letter by the President of the Advisory Panel dated 18 January 2016, informing about the Panel's opinion, I have the honour, upon instructions from my Government, to transmit to you the list of candidates of the Republic of Slovenia, for the purpose of the further election procedure by the Parliamentary Assembly of the Council of Europe.

We trust that any of the listed three candidates could fully contribute to the integrity and quality of the Court's proceedings and judgements.

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

Regarding national procedure for the selection of candidates, we would like to emphasise that the procedure is extensively regulated by the *Act on the Nomination of Candidates from the Republic of Slovenia to Judges at International Courts* (Official Gazette of the Republic of Slovenia, Nos. 64/2001, 59/2002, 82/2004 - Constitutional Court Decision). It is a *sui generis* procedure, which differs from the procedure for electing a judge to Slovenian courts. In the election procedure, all major decision makers in this field in the Republic of Slovenia are being involved (National Assembly of the Republic of Slovenia, President of the Republic of Slovenia, Government of the Republic of Slovenia, and Judicial Council of the Republic of Slovenia). The national procedure is as transparent and consistent as possible.

The Act stipulates that the candidature for a judicial post at the Court may be presented by persons who meet the requirements to be elected a Supreme Court judge[2] or a Constitutional Court judge[3].

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2. *The conditions for a Supreme Court judge*

According to the Article 8 of the Judicial Service Act (Official Gazette of the Republic of Slovenia, Nos. 94/07 – official consolidated text, 91/09, 33/11, 46/13, 63/13 in 69/13 and 17/15) anyone who fulfils the following general conditions may be elected a judge:

1. he/she is a citizen of the Republic of Slovenia and has an active command of Slovenian language;

2. he/she has the capacity to contract and is generally in good health;

3. he/she is at least thirty years of age;

4. he/she has obtained the professional title of a graduate lawyer in the Republic of Slovenia or has acquired equivalent education abroad, recognised pursuant to the foreign document on education and the attached opinion on education or by a decision on the recognition of education for the purpose of employment or by a decision on nostrification;

5. he/she has passed the lawyer's state examination;

6. he/she is personally suited to holding judicial office;

7. against him/her has been not lodged the final charge sheet or on the basis of the summary charge sheet main hearing has not been scheduled for an intentional offense prosecuted ex officio.

This means that they must be citizens of the Republic of Slovenia who are considered legal experts and who are at least 40 years of age (Article 9 of the *Constitutional Court Act*), or must be persons meeting the general conditions to be appointed to the post of judge and who have successfully held a judicial office for at least fifteen years, or who have at least twenty years of working experience in law after having passed the lawyer's state examination, or who are university lecturers in law elected to the title of Associate Professor (Article 12 of the *Judicial Service Act*).

Beside up stated conditions Article 3 of the *Act on the Nomination of Candidates from the Republic of Slovenia to Judges at International Courts* states that a person must comply with the condition of active knowledge of at least one of the official languages used at the international court.

In the light above-mentioned, we strongly believe that all three selected candidates meet the criteria stipulated in Article 21(1) of the European Convention on Human Rights.

Summary of the concrete procedure:

The Ministry of Justice (hereinafter: the Ministry) published a call for applications for a vacant judicial post at an international court. The invitation for applications was published in the Official Gazette of the Republic of Slovenia No. 59 of 7 August 2015 and on the official website of the Ministry. In addition, an official letter was sent to the Slovenian Supreme Court, the Constitutional Court, the Ombudsman and all relevant law faculties in Slovenia informing them of the call for applications. The deadline for applications was 40 days from the publication of the call in the Official Gazette of the Republic of Slovenia, which expired on 16 September 2015.

The call required the applicants' curricula vitae to be written in one of the official languages of the Court. After receiving complete and punctually submitted applications, the Ministry delivered them to the President of the Republic of Slovenia. When obtaining written opinions on the candidates from the Slovenian Government and the Judicial Council, the President submitted his shortlist of four candidates to the National Assembly of the Republic of Slovenia (the Parliament).

On 18 November 2015, three candidates for international court judge were elected by the National Assembly in a secret ballot by a majority of all deputies.

The nomination procedure has been reported in the Slovenian media on several occasions.

Article 2.a of the Judicial Service Act states as follows: Persons for whom it can justifiably be concluded on the basis of their work, action and behaviour to date that they will not perform judicial office with expertise, honesty and conscientiousness or that as judges they will not safeguard the reputation of the judiciary or the impartiality and independence of judging.

Furthermore, there is the working experience / academic title requirement for Supreme Court judges specified in Article 12:

Persons who fulfil the conditions specified in the first paragraph of Article 8 of this Act may be elected to a judicial post at the Supreme Court (supreme court judge) if they have successfully held judicial office for at least 15 years or have at least 20 years of working experience in legal work after passing the lawyer's state examination.

University lecturers in law who fulfil the conditions specified in the first paragraph of Article 8 of this Act may be elected Supreme Court judges provided they have been elected to at least a title of associate professor.

3. *The conditions for a Constitutional Court judge*

According to the Article 9 of the Constitutional Court Act (Official Gazette of the Republic of Slovenia, Nos. 64/07 – official consolidated text and 109/12) any citizen of the Republic of Slovenia who is a legal expert and has reached at least 40 years of age may be elected a Constitutional Court judge.

Appendix 1 – Nina BETETTO

CURRICULUM VITAE[4]

I. Personal details

Name, forename: BETETTO, Nina

Sex: female

Date and place of birth: 6 April 1962 in Ljubljana, Slovenia

Nationality: Slovenian

II. Education and academic and other qualifications

– Ljubljana University:

Study of law (graduated in 1985)

Study of French language (graduated in 1986) – parallel degree programme

– State Bar Exam (1987)

– Ljubljana University: post-graduate studies in law – mr. sc., master in legal science (1994; thesis: "Joinder of parties" (German: *Streitgenossenschaft*))

III. Relevant professional activities

a. Description of judicial activities

– Judge of the Basic Court in Ljubljana and the District Court in Ljubljana (1989-1998)

– Judge of the High Court in Ljubljana (1998-2006) – deciding on ordinary legal remedies in civil disputes

– **Judge of the Supreme Court of the Republic of Slovenia (2006-) – deciding on extraordinary legal remedies (and ordinary legal remedies in some cases) in civil and administrative disputes**

– **Vice-President of the Supreme of the Republic of Slovenia (2011-)**

b. Description of non-judicial legal activities

– **Member of the Integrity Commission of the Judicial Council (2015-)**

– **Member of the State Bar Examining Board (1996-)**

– **Judicial trainer in many initial and continuous training programmes of the Slovenian Judicial Training Centre**

– **Ljubljana University: visiting lecturer (Mediation and arbitration; selected chapters, 2010-)**

– **Member of the Consultative Council of European Judges, consultative body of the Council of Europe (2009-)**

– **Member of the Bureau of the Consultative Council of European Judges (2013-)**

– **GRECO evaluator for Netherlands (2012-2013) and Romania (2015) in 4th Evaluation Round – "Corruption prevention in respect of members of parliament, judges and prosecutors"**

– **Arbitrator listed on the panel of the Permanent Arbitration of the Slovenian Chamber of Commerce**

– **Key expert, expert and consultant in several international scientific and professional projects and conference speaker** (selection):

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

"Enhancement of mediation as an alternative to the court based dispute resolution" – a pre-accession EU project aimed at ensuring a better access to justice in Croatia (2008-2009)

Several workshops on cooperation in civil matters provided by the European Commission for the implementation of "*acquis*" – TAIEX ("the former Yugoslav Republic of Macedonia"; 2010-2015)

"Training workshop in view of GRECO's 4th Evaluation Round" (corruption prevention in respect of members of parliament, judges and prosecutors; Andorra, 2011)

"Independence and integrity of the judiciary" – OECD conference (Istanbul, 2012)

"Comparative study of best practices of evaluation, career and promotion of judges" – a Council of Europe study including recommendations for the MoJ of Bulgaria aimed at bringing the national standards in line with European standards (2012)

Assessment and proposals as to the amendments of the regulations providing for the performance assessment of judges and prosecutors within the framework of the Council of Europe project „Strengthening the capacity of the judiciary as regards the implementation of the European Convention on Human Rights in Bosnia and Herzegovina"(2014)

Expert team member in the CEPEJ and Republic of Croatia project in the framework of a Norway Grants programme entitled "Improving the quality and efficiency of the judicial system through infrastructure development and better management» (Croatia, 2015)

– Member of several working groups at the Ministry of Justice for drafting legislation (e.g. Inheritance Act, Notary Public Act, Courts Act, Judicial Service Act)

c. Description of non-legal professional activities

– **Mediator in the court-annexed mediation programme at the High Court in Ljubljana**

IV. Activities and experience in the field of human rights

– **In judicial process** (see III.a)
– **In research and publication activity** (see VII)
– **Participation in expert missions for various organisations in the field of judicial reforms in numerous countries, working on topics such as right to a fair trial within reasonable time and access to court** (see III.b)

V. Public activities

a. Public office

– **President of the local election committee**
– **Member of the Alternative Dispute Resolution Council at the Ministry of Justice**

b. Elected posts

None

c. Posts held in a political party or movement

None

VI. Other activities

None.

VII. Publications and other works

The bibliography consists of approximately 60 units.

Books in Slovene:

– Balažic, Betetto, Dobrovnik Zima, Đorđević, Iglič Stroligo, Jadek Pensa, Plavšak, Podgoršek, Šorli: Commercial Contracts, Vol. I and II ("Gospodarske pogodbe"), GV Založba, Ljubljana 1993-1994

– Ude, Betetto, Galič, Rijavec, Wedam Lukić, Zobec: Civil Procedure: Act with a Commentary, Vol. I-IV („Pravdni postopek: Zakon s komentarjem"), GV Založba and Uradni list, Ljubljana 2005-2010

– Galič, Betetto: The European Law of Civil Procedure ("Evropsko civilno procesno pravo"), GV Založba, Ljubljana 2011

Books in other languages:

– Betetto, in van Rhee and Uzelac (authors and ed.): Enforcement and Enforceability, Intersentia, Antwerpen 2010: "Implementation of European Civil Procedure Regulations in the Case Law of Slovenian Courts" (p. 103-111)

– Betetto, in Reimann (author and ed.): Cost and Fee Allocation in Civil Procedure, Springer, 2012: "From Major to Partial Shifting?" (p. 251-259)

Articles in Slovene:

– The Distinctions between the Conclusive and the Incomplete Action, ("Razlikovanje med nesklepčno in nepopolno tožbo"), Podjetje in delo, 6-7/2009, p. 1638-1648

– The Impact of the European Convention on Human Rights on Slovenian Case Law ("Vpliv Evropske konvencije za človekove pravice na slovensko sodno prakso"), Podjetje in delo, 6-7/2012, p. 1235-1248

– Meritorius Decision-Making in Civil Procedure from the Viewpoint of the Adversarial Principle and Preclusions ("Vsebinsko odločanje v pravdnem postopku v luči razpravnega načela in prekluzij"), Odvetnik, July 2013, p. 13-18

Articles in other languages:

– "Introduction and Practical Cases on Council Regulation (EC) No 1206/2001 on Cooperation between the Courts of the Member States in the Taking of Evidence in Civil and Commercial Matters", The European Forum, 4-2006, p. 137-144

– An overview of procedural law institutes starting implementation upon Croatian accession to the EU - a practitioner's view ("Pregled instituta procesnog prava koji se počinju primjenjivati ulaskom Republike Hrvatske u EU - pogled praktičara"), Aktualnosti zakonodavstva i prakse, Organizator Zagreb 2013, p. 479-512

VIII. Languages

Language	Reading			Writing			Speaking		
	very good	good	fair	very good	good	fair	very good	good	fair
***a*. First language:**									
Slovene	X			X			X		
***b*. Official languages:**									
English	X			X			X		
French	X				X			X	
***c*. Other languages:**									
German	X			X	X		X		
Serbian	X				X		X		
Croatian	X						X		

IX. In the event that you do not meet the level of language proficiency required for the post of judge in an official language [the second], please confirm your intention to follow intensive language classes of the language concerned prior to, and if need be also at the beginning of, your term of duty if elected a judge on the Court.

I confirm.

X. Other relevant information

Awards:

Honorary award of the Slovenian Association of Judges (2003)

Lawyer of the year (Federation of the Lawyers' Associations of Slovenia; 2011)

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

I confirm.

Appendix 2 – Marko BOŠNJAK

CURRICULUM VITAE

I. Personal details

Name: BOŠNJAK, Marko

Sex: male

Date and place of birth: 12 March 1974, Ljubljana (Slovenia)

Nationality: Slovenian

II. Education and academic and other qualifications

– 1992–1996 – undergraduate studies at the University of Ljubljana, Faculty of Law, diploma thesis defended *cum laude*

– 1996–2002 – research assistant at the Institute of Criminology at the Faculty of Law in Ljubljana

– 1999 – masters' degree at the University of Ljubljana, Faculty of Law, *defended cum laude*

– 1998–2000 – judicial traineeship at the Court of Appeal in Ljubljana

– 2001 – State Judicial Exam, passed with the highest commendation

– 2002 – Doctorate in Law at the University of Ljubljana, Faculty of Law

– 2002–2006 – elected to the post of scientific collaborator at the Institute of Criminology at the Faculty of Law in Ljubljana

– 2005–2010 – attained the academic title of *docent* for criminal law and criminology at the Faculty of Law in Ljubljana

– 2006–2008 – elected to the post of senior scientific collaborator at the Institute of Criminology at the Faculty of Law in Ljubljana

– 2010–2015 – re-elected to the academic title of *docent* for criminal law at the Faculty of Law in Ljubljana

– 2012–present – Associate Professor of criminal law at the European Law Faculty in Nova Gorica (Slovenia)

– 2012–present – head of the Chair for criminal law at the European Law Faculty in Nova Gorica

III. Relevant professional activities

a. Description of judicial activities

None.

b. Description of non-judicial legal activities

– 1996–2008 – research at the Institute of Criminology at the Faculty of Law in Ljubljana, head of its Scientific Council from 2006-2008

– 2000 – research studies at the University of Poitiers (Université de Poitiers), France

– 2002–2008 – independent advisor, from 2006 superior advisor, to the Constitutional Court of the Republic of Slovenia

– 2002–2007 – member of the research group and of the Management Board of the COST A21 research project "Restorative Justice Developments in Europe"

– 2004 – short-term scientific mission at the Institute for Legal and Criminal Sociology (Institut für Rechts - und Kriminalsoziologie) in Vienna, Austria

– 2006 – organization of the first bilateral conference of French and Slovenian penalists

– 2006–2008 – member of the Management Board of the European Forum for Restorative Justice

– 2006–2012 – teaching at the Faculty of Social Sciences, University of Ljubljana (on the subjects of "Basics of Law for Journalists" and "Ethics and Law in Journalism Discourse")

– 2008–2011 – expert member of the Council for Penal Law at the Ministry of Justice of the Republic of Slovenia

– 2009–present – attorney specializing in criminal law, head of constitutional and international law department in Law Firm Čeferin and Partners (Odvetniška družba Čeferin in partnerji), and from 2012 a partner in the law firm

– 2012–present – teaching criminal procedure at the European Law Faculty in Nova Gorica

c. Description of non-legal professional activities

None.

IV. Activities and experience in the field of human rights

– 1996–2008 – research projects which specifically addressed human rights or included issues relating to human rights, e.g. a key research project which I conducted on the course of criminal proceedings in Slovenia included reference to the protection of human rights in judicial proceedings. I also took part in a comparative law project on constitutional provisions on human rights and fundamental freedoms.

– 2002–2008 – I advised the Constitutional Court in cases of constitutional appeals claiming violations of human rights and fundamental freedoms. Several leading decisions implemented provisions of the Convention and the jurisprudence of the Court.

– 2008–present – in my work as a practicing lawyer, I have specialized in the field of human rights. In this part of my career, most of my activities have addressed human rights provisions and jurisprudence in defending clients in criminal proceedings as well as seeking legal remedies for violations of human rights and fundamental freedoms (e.g. appeals in different judicial proceedings, lawsuits in administrative litigations before the Administrative Court, constitutional appeals to the Constitutional Court).

V. Public activities

a. Public office

None.

b. Elected posts

None. I have never run for an elected post.

c. Posts held in a political party or movement

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

VI. Other activities

None relevant to the activities of the Court.

VII. Publications and other works

My official bibliography runs to 123 entries. Among these, the following 10 may be highlighted:

BOŠNJAK, Marko. *Razvoj sodobne biomedicine in kazensko pravo*, (Eng.: Development of Modern Biomedicine and the Criminal Law). Ljubljana: Cankarjeva založba, 2004. 205 p.

BOŠNJAK, Marko. Some thoughts on the relationship between restorative justice and the criminal law. In: MACKAY, Robert (ed.), BOŠNJAK, Marko (ed.) et al.. *Images of restorative justice theory*, (Studies in criminology and forensic science, vol. 1). Frankfurt am Main: Verlag für Polizeiwissenschaft, 2007, p. 93-111.

BOŠNJAK, Marko. Le fonctionnement de la justice pénale en Slovénie: comment rendre la procédure pénale plus efficace?. In: MASSÉ, Michel (ed.), JEAN, Jean-Paul (ed.), GIUDICELLI, André (ed.). *Un droit pénal postmoderne?: mise en perspective des évolutions et ruptures contemporaines*, (Droit et justice). 1re éd. Paris: Presses universitaires de France, 2009, p. 352-359.

BOŠNJAK, Marko, ZAGORAC, Dean. Slovenia. In: *The Rome Statute and domestic legal orders. Vol. II : constitutional issues, cooperation and enforcement*. Baden-Baden: Nomos; Ripa di Fagnano Alto: Sirente, 2005, p. 309-330.

BOŠNJAK, Marko. Slovenia. In: DELMAS-MARTY, Mireille (ur.). *L'harmonisation des sanctions pénales en Europe*, (Unité mixte de recherche de droit comparé de Paris, Vol. 5). Paris: Société de législation comparé, 2003, p.157-169.

BOŠNJAK, Marko, GALIČ, Aleš. Slovenia, Fair trial. In: WEBER, Albrecht (ed.), et al. *Fundamental rights in Europe and North America*. Leiden; Boston: Martinus Nijhoff Publishers, 2001-2008, p. 27-37.

BOŠNJAK, Marko (ed.). *Potek kazenskih postopkov v Sloveniji: analiza stanja in predlogi za spremembe*, (Eng.: The Course of Criminal Proceedings in Slovenia: analysis of the present situation and suggestions for improvement). Ljubljana: GV revije, 2005. 547 p. – all contributions by the candidate amount to 142 p.

BOŠNJAK, Marko. Nekateri pravni in politični problemi v zvezi z Mednarodnim kazenskim sodiščem za nekdanjo Jugoslavijo. (eng.: Some Legal and Political Problems regarding the International Criminal Tribunal for ex-Yugoslavia). *Zbornik znanstvenih razprav*, Ljubljana, 1997, letn. 57, p. 5-36.

BOŠNJAK, Marko. Pravna sredstva (Eng. Legal Remedies). In: ŠUGMAN, Katja (ed.), et al. *Izhodišča za nov model kazenskega postopka*. (Eng.: The Route to a New Model for Criminal Procedure) Ljubljana: Inštitut za kriminologijo pri Pravni fakulteti, 2006, p. 373-418.

BOŠNJAK, Marko. Dokazovanje in položaj strank v kazenskem postopku, s poudarkom na pravicah obrambe. (Eng. The collection of evidence and position of parties in criminal proceedings, with special emphasis on rights of defense) In: DVORŠEK, Anton (ur.), SELINŠEK, Liljana (ur.). *Problemi dokazovanja v zahtevnih kazenskih postopkih*. Maribor: Pravna fakulteta: Fakulteta za varnostne vede, 2007, p. 45-64.

VIII. Languages

Language	Reading			Writing			Speaking		
	very good	good	fair	very good	good	fair	very good	good	fair
***a*. First language:**									
Slovene	x			x			x		
***b*. Official languages:**									
English	x			x			x		
French	x			x			x		
***c*. Other languages:**									
Croatian	x			x			x		
Serbian	x				x		x		
German		x				x			x

IX. In the event that you do not meet the level of language proficiency required for the post of judge in an official language [the second], please confirm your intention to follow intensive language classes of the language concerned prior to, and if need be also at the beginning of, your term of duty if elected a judge on the Court.

English is my first foreign language. In addition to that, I hold a DALF C2 certificate in French. I therefore assess my knowledge of English and French as very good. However, if my knowledge of either of the official languages is found insufficient in any way, I confirm my readiness to follow intensive classes in that particular language.

X. Other relevant information

Married since 1999, father of four children (born in 2000, 2001, 2005 and 2010).

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

If elected a judge on the Court, I will take up permanent residence in Strasbourg.

Appendix 3 – Nina PERŠAK

CURRICULUM VITAE[5]

I. Personal details

Name: PERŠAK, Nina

Sex: Female

Date and place of birth: Born on 24 March 1975 in Ljubljana, Slovenia

Nationality: Slovenian

II. Education and academic and other qualifications

– 2006–2007 – Faculty of Social and Political Sciences, University of Cambridge, UK M.Phil.

Programme: Social and Developmental Psychology (graduated with distinction)

– May 2007 – University of Ljubljana, Slovenia (habilitation) Assist. Prof.

– 2002–2004 – Faculty of Law, University of Ljubljana, Slovenia Ph.D.

Doctoral dissertation: Harm Principle and the Continental Criminal Legal System (in English); defended cum laude (the highest mark)

– Sept. 2003 – Istituto Superiore Internazionale di Scienze Criminali and University of Palermo Specialisation course in International Criminal Law

– July 2002 – Ministry of Justice, Slovenia State Law Examination

– 1999–2000 – Faculty of Law, University of Cambridge, UK LL.M.

Courses on human rights and civil liberties, international law, jurisprudence, and philosophy of criminal law

– 1993–1998 – Faculty of Law, University of Ljubljana, Slovenia B.A. in Law

4th-year specialisation: International Law

III. Relevant professional activities

a. Description of judicial activities

– 1999–2001 – High Court in Ljubljana, Slovenia

Judicial Trainee, selected on merit

Feb–Aug 1999 and Sept 2000–Dec 2001 – (paused for Master studies in law (LL.M.) at the University of Cambridge)

Drafted judgments and other judicial decisions in criminal, commercial and civil courts at 1st and 2nd instance;

Attended court hearings, on-site visits and plenary session deliberations.

Other court-related activities:

– 2001–present – Slovene courts

Sworn court interpreter for English language

– Dec 2009–2011 – Court of Justice of the EU

Contractual Translator for Slovene language

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

b. Description of non-judicial legal activities

– Oct 2011–pres – Faculty of Law, Ghent University, Belgium

Professor

Conducted research on legal regulation and control of various social issues, rights and policy (e.g. anti-social behaviour or incivilities, functioning of the justice systems, trafficking in human beings and prostitution, EU criminal policy);

Published with renowned international publishers and journals (e.g. Springer, Ashgate, Routledge), reviewed articles and books for various journals;

Lectured as the lecturer-in-charge of the courses 'Sociology of Law' (undergraduate and graduate courses) and 'Selected Issues: Financial and Economic Crime' (master course for law and criminology students);

Supervised/mentored master and doctoral theses (in EN, NL and FR); co-readership of bachelor, master and doctoral theses;

Developed research proposals, applied for funding, led research projects; organised and participated at international conferences (see X.);

Contributed to the management and the decision-making as a member of the Faculty Council and of several faculty and interfaculty committees (e.g. Education Committee, Curriculum Committee, Exam Committees, Committee for the selection of new professors, Doctoral school for social sciences and humanities, and the International cooperation committee);

Represented Ghent University in the collaboration with two foreign universities (Kent and Rotterdam) in the development of a new Joint Research Master programme.

– Oct–Dec 2015 – University of California-Berkeley, Center for the Study of Law and Society

Visiting Scholar

Carried out research on incivilities and judicial decision-making;

Edited a book on the regulation and social control of incivilities (to be published by Routledge in 2016);

Delivered a lecture on Incivilities and Human Rights.

– Oct 2015–pres – European Commission: Expert Group on EU Criminal Policy

Independent expert on criminal law

Appointed as a member of an expert group (10 practitioners and 10 academics), selected and appointed by the European Commission;

Advised the European Commission on substantive criminal law in the context of the development of an EU Criminal Policy;

Provided advice on any legal question that can arise in this context and gathered factual evidence for the assessment whether EU criminal law measures are essential to ensure the effective implementation of a Union policy.

– Oct–Nov 2013 – University of Cambridge, Centre for Penal Theory and Penal Ethics

Visiting Scholar

Conducted research on law and emotion;

Edited a book on legitimacy of criminal law, policy and criminal justice;

Delivered a lecture on legitimacy challenges of the justice systems;

Previous positions as a Visiting Scholar: 2009 - Sept 2010, Jan - Jul 2008, Jan - Mar 2006, Jan - Mar 2005, Oct - Dec 2003.

– 2010–2011 – Institute for Criminal-Law Ethics and Criminology, Ljubljana, Slovenia

Scientific Director, Research Fellow

Organised and carried out research; applied for funding; represented the institute.

– 2008–2011 – Faculty of Criminal Justice and Security, University of Maribor

Assistant Professor

Lecturer-in-charge of the (undergraduate and graduate) courses on Victimology;

Developed the syllabus, organised and carried out lectures;

Supervised interim student papers and master theses; examination.

– 2007–2009 – Scientific Research Centre at the Slovenian Academy of Sciences and Arts

Research Fellow

Postdoctoral studies on human rights: as a Principal Investigator carried out the research project in the area of law, entitled 'Human Rights, Security and Challenges of Contemporary Crime'.

– April 2004 HEUNI – UN-affiliated European Institute for Crime Prevention and Control

Research Visiting Scholar

Carried out research on the Finnish legal doctrine regarding the criteria for criminalisation;

Technically edited the co-authored book on Slovenia's criminal legal system (published by HEUNI).

– 2002–2006 – Institute of Criminology at the Faculty of Law, University of Ljubljana, Slov.

Research Fellow (Oct 2004 - 2006)

Collaborated with colleagues on the amendments to the Slovenian Criminal Code;

Wrote and submitted proposals for research projects; conducted research and published on various topics (e.g. trafficking in human beings, challenges of criminal proceedings in Slovenia, women and prison, cybercrime); disseminated results to media and non-expert audience; reviewed books;

Contributed to various national and international research projects (see Point X. for more details).

Young Researcher (Jan 2002–Jun 2004), selected on merit

Doctoral studies on a comparative criminal law (Continental-Germanic vs. Anglo-American) with respect to the notion of harm and the 'harm principle': supervisor Acad. prof. Alenka Šelih (University of Ljubljana), co-supervisor Prof. Dr. Dr. h.c. Andreas von Hirsch (University of Cambridge);

Published the PhD with the international scientific publisher Springer (New York) in 2007 (hardback) and 2010 (paperback).

c. Description of non-legal professional activities

– 2015–pres. – Revue Internationale de Droit Pénal (RIDP), incl. eRIDP and RIDP Libri

Editor, Member of the Executive Editorial Board (COEXREV)

– 2012–2015 – TEMIDA - Journal on Victimisation, Human Rights and Gender

Member of the Advisory Board and Guest Editor of the issue no. 4, 2014

Upon request, I have reviewed articles and books for various journals and book series:

Criminal Law and Philosophy

Journal of Criminal Justice and Security

Revija za kriminalistiko in kriminologijo (included in the Web of Science)

TEMIDA, journal on victimisation, human rights and gender

International Review of Victimology

GERN Research Paper Series

IV. Activities and experience in the field of human rights

My research in the area of human rights that particularly involved Art. 5 (right to liberty and security) and Art. 6 (right to a fair trial) of the Convention was published by renowned international publishers and presented at high-level international conferences.

The Court's case law on Art. 5 (and partly Art. 8 and 3, which have often been used to protect the security of a person) has been examined and contrasted with the non-European (e.g. Canadian) notions of the (independent) right to security in a paper presented at the 9th Biennial International Conference 'Criminal Justice and Security in Central and Eastern Europe' in Ljubljana (19 Sept 2012) as well as at the 2012 European Society of Criminology conference 'Criminology in the 21st Century: a Necessary Balance Between Freedom and Security' (Bilbao, 12 Sept 2012). In the study on the legitimacy of judiciary and justice systems,

I have examined Art. 6 of the Convention and the relevant case law of the Court in the context of judicial legitimacy, concretely as providing support of the development of the common meaning and standards of judicial independence and impartiality, including the Court's views on the importance of not only actual but also perception- or appearance-based independence and impartiality. The study has been presented at domestic and international conferences and published in 2014 (by Ashgate) as a book chapter in a volume I have also edited. In addition to independence and impartiality, the chapter analysed also other important factors (such as access to justice, quality of judicial decisions, communication and effectiveness) that influence the legitimacy of the justice system.

Already my doctoral studies offered me an opportunity to engage with human rights in the context of criminal law. Criminal law in the broadest sense (including, for example, laws on police powers, prison administration, and administrative of justice) is an area that provides many challenges to human rights of the individual. In various research projects (e.g. on imprisoned women in Slovenia, smuggling and trafficking in human beings, missing and sexually exploited children), I've dealt with issues concerning human rights of persons involved, be they victims (injured parties) or offenders, not only descriptively but also normatively, in the sense of proposing solutions to the challenges encountered and providing recommendations to the legislator and policymaker on that basis. My comparative doctoral study of criminalisation (in the Continental system of Germanic legal tradition, in the one hand, and Anglo-American legal system, on the other) argued for criminalisation based on serious harm to others. The 'harm principle', it was argued, could in the Continental legal system provide a substantive aid to the principle of last resort (*ultima ratio*), often referred to in the jurisprudence of the Court, and to the already criminalisation-limiting function of human rights, in general. Moreover, the study (published by Springer in 2007) highlighted the impact of the Convention in structurally bringing closer the two mentioned systems (as, for example, the Anglo-American concept of fair trial has been adopted in some Continental legal systems *via* the Convention).

My interest and engagement with human rights has been prominent since the undergraduate years. One of the reasons for selecting specialization on the 4th year of the undergraduate studies has been, for example, the examination of international legal documents and institutions, addressing human rights. In the project 'Constitutional Criminal Procedure', resulting in a textbook that has been long used as a study material for the second-year course on Criminal Procedure, I have examined the topic of the rights and procedural guarantees of people, declared incapable to stand trial, and more broadly, rights of people, declared insane. During my LL.M. studies at Cambridge, I studied the theory and practice of civil liberties and human rights, which examined the case law of British courts and of the Strasbourg court during the time of the adoption of the UK Human Rights Act.

In the various courses I taught over the years, the legal, social and moral issues that the Court had grappled with in its judgments have been given ample attention. For example, during my course on victimology (the study of victims), we examined the consequences of the violation of one's human rights and 'secondary victimisation' (re-victimisation or traumatic experience before the criminal justice authorities, e.g. in a criminal proceeding), which sometimes interferes with the victim's personal integrity and leads to the violation of Art. 8 of the Convention (as attested, for example, in the judgment *Y. v. Slovenia*), to name just two aspects. My course on sociology of law includes, among others, topics such as judge-made law and judicial profession, transitional justice, and cultural diversity and human rights. During this course, many issues similar to those decided upon by the Court were discussed, particularly the question whether 'legitimate aim' for a government intervention has been established and whether the intervention was lawful and necessary in a democratic society.

I have also actively participated in discussions and colloquia on human rights (e.g. organised by Peace Institute in Slovenia, Ghent Human Rights Centre and Berkeley Human Rights Center) and scientifically contributed to initiatives of state and non-state organisations, protecting the human rights of certain groups. As

a national rapporteur for Slovenia, I have most recently collaborated in the European project on victim protection orders for victims of domestic violence (project POEMS – Mapping the legislation and assessing the impact of Protection Orders in the European Member States, funded by the Daphne programme), which included gathering of data on law, number of cases, length of police and court proceedings, as well as recommendations in view of the better protection of the rights of victims of domestic violence.

As a member of the Ethics Committee of the EU-funded project ETTIS (European security Trends and Threats In Society, 7th Framework Programme), I have during 2011-2015 assessed the compliance of the mentioned project with human rights and research ethical standards. More generally, as an Independent Expert - Evaluator of the European Commission, I have screened and evaluated the EU project proposals and existing funded EU projects (during mid-term review or final review) not only for the scientific quality but also for its respect for human rights and ethics. This latter aspect is, in particular, the focus or kern of the activities under my role as an independent Ethics Expert for the European Commission. The role of such an expert is to scrutinise the project proposals – once they have already passed the assessment on the basis of scientific quality, impact and quality of implementation – in more detail, concentrating on their ethical aspects in terms of their respect and compliance with ethical standards, including certain human rights.

V. Public activities

None.

VI. Other activities

a. Field

Criminal Law, Data Protection, Human Rights, Law making, Security, Ethics

b. Duration

Memberships:

– European Criminal Law Academic Network (ECLAN): since 2015

– Europol Data protection Experts Network (EDEN): since 2015

– Member of the International Association of the Penal Law – *Association Internationale de Droit Pénal* (AIDP): since 2013

– European Society of Criminology (ESC): since 2002 (also a member of its working groups 'Victimology', 'Criminal Law Making Policy' and 'Crime, science and politics')

– European Commission, Research Executive Agency: Independent Expert - Evaluator of EU research project proposals and funded EU projects since 2006

– European Commission: Ethics Expert since May 2015

c. Functions

Member or Expert

VII. Publications and other works

The bibliography includes around 170 bibliographic items (books, articles, book chapters, published reports, conference papers, invited lectures etc.), the majority of which have been published with international scientific publishers (e.g. Hart, Springer, Routledge, Ashgate, Maklu, Nomos, Njihoff/Brill, Eleven Publishers) and well-known international peer-reviewed journals. More complete overview of my bibliography (particularly from 2011 onwards) can be accessed at: https://biblio.ugent.be/person/802001083305.

A selection of 10 more important and representative titles, with particular relevance for human rights:

– Legitimacy and Trust in Criminal Law, Policy and Justice: Norms, Procedures, Outcomes (2014). Farnham, Burlington: Ashgate. (Editor and Author of chapters)

– ‘Human rights in the 21th century: can they survive (security)?', *Pravnik (Lawyer)*, (2009), vol. 64, no. 4, pp. 351-373. (Author of the article; in Slovene)

– 'The charter of fundamental rights and EU citizenship: the link with EU law re-examined' (2014), in: E. Guild, C. Gortázar Rotaeche and D. Kostakopoulou (eds.), *The Reconceptualization of European Union Citizenship.* Nijmegen: Brill/Nijhoff. (Co-author of the chapter)

– 'The European concept and right to security' (2012), at: *9th Biennial International Conference 'Criminal Justice and Security in Central and Eastern Europe',* Ljubljana, Slovenia, 19 Sept 2012. (Author of a paper)

– Criminalising Harmful Conduct: The Harm Principle, Its Limits and Continental Counterparts (2007 and 2010). New York: Springer. (Author of a book)

– *Constitutional Criminal Procedure* (2000, textbook). Ljubljana: Pasadena. (Co-author; in Slovene)

– *Regulation and Social Control of Incivilities* (2016, forthcoming). London: Routledge (Editor and Author of chapters)

– 'Incivilities and human rights' (2015), at: *CSLS Visiting Scholar Speaker Series*, Berkeley: UC Berkeley, 6 Nov 2015. (Author of a paper).

– 'Rule of Law and institutional legitimacy: challenges of transition, challenges of Europe', *Southeastern Europe* (Brill, The Netherlands), (2015), vol. 39, no. 3, pp. 369-391. (Author of the article)

– Criminal Proceedings in Slovenia: The Analysis of the Current State and Recommendations for Amendment (2005, in Slovene). Ljubljana: GV. (Co-author; in Slovene)

VIII. Languages

Language	Reading			Writing			Speaking		
	very good	good	fair	very good	good	fair	very good	good	fair
***a*. First language:**									
– Slovenian	x			x			x		
***b*. Official languages:**									
– English	x			x			x		
– French	x				x			x	
***c*. Other languages:**									
– Dutch	x				x			x	
– Croatian, Serbian, Bosnian	x				x			x	

IX. In the event that you do not meet the level of language proficiency required for the post of judge in an official language [the second], please confirm your intention to follow intensive language classes of the language concerned prior to, and if need be also at the beginning of, your term of duty if elected a judge on the Court.

Not applicable.

X. Other relevant information

Principal investigator/project leader (grant holder) in the following projects:

– 'Dealing with nuisance: regulation, representation and legitimate penalisation' (2013-2016)

– 'Human rights, security and challenges of contemporary crime' (2007-2008)

– 'Computer/cyber crime in Slovenia' (2005-2006)

– 'Harm Principle in the Continental Criminal Legal System' (2002-2004)

Member of the research team in the following additional projects:

– Slovene: 'Cybercrime – the emergence of new criminal offences' (2004-2007); 'Modern trends of substantive criminal law' (2005 and 2007); 'The analysis of the course and duration of criminal proceedings in Slovenia' (ended in 2004).

– International/European: ‘Mapping the legislation and assessing the impact of Protection Orders in the European Member States’ (2013-2014) – national rapporteur; ‘Study on Disqualifications as a Sanctioning Measure in the national systems of MSs’ (2011); ‘Judicial Cooperation in Criminal Matters’ (2011) – Single Point of Contact for SI; ‘Shaken Order: Authority and Social Trust in Post-Communist Societies’ (2008-2009); ‘Security and cooperation in reaction to organised crime in Central and South-East Europe’ (2004-2006); ‘Missing and sexually exploited children in the enlarged EU: epidemiological data in the new MSs’ (until 2005).

Invited lectures at the Faculty of Law in Helsinki, Finland (Nov 2003 and Apr 2004), Faculty of Law in Uppsala, Sweden (Sept 2005, Dec 2012) and University of Stirling, UK (Dec 2009) and University of Cambridge (Nov 2013).

(Co)organised several scientific meetings, such as International colloquium on the Regulation and Social Control of Incivilities (Jul 2015, Ghent, BE); on Legitimacy and Trust in Criminal Law, Policy and Justice (Dec 2012, Ghent, BE); on Reframing Prostitution (Mar 2014, Ghent, BE); 2nd National Criminological Conference (Oct. 2005, Ljubljana, SI); Conference commemorating the 50th anniversary of the Institute of Criminology (Oct. 2004, Ljubljana, SI); 4th International Colloquium on Transborder Crime (Oct 2002, Ljubljana, SI).

Scholarships and Fellowships:

– Visiting Scholar of the Center for the Study of Law and Society, School of Law, UC Berkeley, USA (mid-Oct until mid-Dec 2015)

– Visiting Scholar of the Centre for Penal Theory and Penal Ethics of the Institute of Criminology and of Wolfson College, University of Cambridge (Oct-Dec 2003, Jan-Mar 2005 and 2006, Jan-Jul 2008, 2009-Sept 2010, Oct-Nov 2013)

– Research Fellowship of the Centre for Advanced Study (CAS) Sofia, Oct 08-Jun 09

– HEUNI (The European Institute for Crime Prevention and Control, affiliated with the UN) scholarship, April 2004

– OSI/FCO Chevening/Cambridge Scholarship for the LL.M. course, 1999/2000

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

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