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Election of Judges to the European Court of Human Rights

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

Communication
Secretary General of the Parliamentary Assembly

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

Letter from Mr Luis Javier Gil Catalina, Ambassador of Spain to the Council of Europe, to Mr Wojciech Sawicki, Secretary General of the Parliamentary Assembly, dated 4 December 2017.

[…]

On 1 December 2017, the Council of Ministers of Spain agreed to submit to the Commission on the Election of Judges of the Parliamentary Assembly of the Council of Europe, the final list of the three candidates for the election of judge to the European Court of Human Rights in respect of Spain, as follows, in alphabetical order:

– Ms María Elósegui Ichaso

– Mr José Martín y Pérez de Nanclares

– Mr Francisco de Asís Pérez De Los Cobos Orihuel

[…]

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

Certificate of proposed candidates submitted to the council of ministers prior communication to the executive council on foreign policy

Madrid, 1st November 2017

Mr Rafael Andrés León Cavero, Senior State Attorney, Head of the Human Rights Department and Agent of the Kingdom of Spain before the European Court of Human Rights, acting in compliance with the duties assigned as Secretary of the Committee, by virtue of the appointment made by the General State Attorney on 11 September 2017, as set out in the Agreement of the Council of Ministers of 20 January 2017 by which some guidelines for the establishment of a list of candidates for the post of Judge to the European Court of Human Rights were set forth, the Resolution of 24 July 2017 providing for the initiation of the time limit to submit candidatures, and Articles 16 and 19.4 of Law 40/2015, of 1st October, on the Legal Regime of Public Administration, I hereby

CERTIFY

1. That, following the expiry on 31 January 2017 of the ordinary term of office of nine years (Article 23.1 of the Convention) of the current Judge of the European Court of Human Rights elected by the Parliamentary Assembly of the Council of Europe on the basis of a list of candidates nominated by Spain, on 26 August 2016 the Parliamentary Assembly of the Council of Europe invited the Spanish Government to submit a list of three suitable candidates for the office of Judge in the European Court of Human Rights (Article 22 of the Convention).

2. That on 20 January 2017[1] the Spanish Council of Ministers adopted an Agreement by which some guidelines for the establishment of a list of candidates for the post of Judge to the European Court of Human Rights were set forth, in order to ensure the full satisfaction of both the criteria set out in the Convention for any person applying to exercise the office of judge at the Court and the recommendations in respect thereof contained in the "Guidelines of the Committee of Ministers on the selection of candidates for the post of judge at the European Court of Human Rights" adopted by the Committee of Ministers on 28 March 2012.

The Agreement was published in the "Boletín Oficial del Estado"[2] no. 26, on Tuesday, 31 January 2017, Section I, page 7116, paragraph 968[3].

1. The Supreme Court, through a judgment issued by the Third Chamber on 31 May 2017 (Official State Gazette no. 137, of 9 June 2017, with reference number 6514), declared the nullity of Sixth Section of the said Agreement, regarding the requirement to not to exceed the age of 61 years by the closing date for the submission of applications.
2. Official State Gazette.
3. https://www.boe.es/diario_boe/txt.php?id=BOE-A-2017-968.The Spanish official version is enclosed hereto along with its translation into English and French as Annexes.

3. That, by means of a Resolution of 24 July 2017 issued by the Undersecretariat of the Ministry of Presidency and Territorial Administration (included in the «Boletín Oficial del Estado»[4] no. 177, on Wednesday, 26 July 2017, Section III, page 69390, paragraph 8870)[5] the notice of initiation of the time-limit to apply for the list of candidates proposed by the Kingdom of Spain to the Parliamentary Assembly of the Council of Europe, responsible for appointing a Judge to the European Court of Human Rights was published.

The call for applications was also simultaneously available at the webpage of the Ministries of Foreign Affairs and Cooperation[6], of Presidency and Territorial Administration[7] and of Justice.

The call for applications was likewise widely disseminated in the media[8].

4. Within the period of time given for the submission of applications, which lasted thirty working days from the following day to the publication of the call for applications in the "Boletín Oficial del Estado"[9], between 27 July 2017 and 7 September 2017, a total of 17 candidates, 15 men and 2 women, submitted their applications.

5. As set out, on 13 September 2017, a Committee to assess the suitability of candidates for Election as Judge to the European Court of Human Rights was then established, whose selection corresponds to the Parliamentary Assembly of the Council of Europe, consisting of the following persons:

– President

  - Mr Ildefonso Castro López, State Secretary for Foreign Affairs

– Members of the Committee

  - Ms Carmen Sánchez-Cortés Martín, State Secretary for Justice
  - Ms Aurea Roldán Martin, Undersecretary of Justice
  - Mr José María Jover Gómez-Ferrer, Undersecretary of Presidency and Territorial Administration

– Secretary

  - Mr Rafael Andrés León Cavero, State Attorney

The President and the members of the Committee had speaking and voting rights, and the Secretary had the right to speak but not to vote.

6. That all applicants were called for a personal interview with the Committee, which were held in sessions on 9 and 23 September 2017.

7. That during the personal interviews, where 15 out of 17 candidates appeared, and 2 of them renounced, the candidates gave their presentation in one or both official languages of the Court, the questions being put by the Committee in both official languages.

The Committee tested the candidates' language proficiency assisted by the following two interpreters, assigned to the Office of Language Services of the Ministry of Foreign Affairs and Cooperation:

– Ms Delories Dunn de Ayuso

– Mr Jordi Baulies y Villá

The Committee considered that 14 out of 15 candidates interviewed had met the level of proficiency required.

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4. See note n°3.
5. http://www.boe.es/buscar/doc.php?id=BOE-A-2017-8870.
   The Spanish official version is enclosed hereto along with its translation into English and French.
6. http://www.exteriores.gob.es/Portal/es/SalaDePrensa/Actualidad/Paginas/Articulos/20170726_ACTUALIDAD10.aspx.
7. http://www.mpr.gob.es/servicios/anuncios-convocatorias-ue/Paginas/index.aspx.
8. http://www.expansion.com/agencia/europa_press/2017/07/26/20170726180058.html. http://www.lavanguardia.com/vida/20170726/43115075462/el-gobierno-retoma-la-seleccion-de-un-candidato-a-juez-en-estrasburgo-sin-el-requisito-de-edad-que-anulo-el-supremo.html http://www.europapress.es/nacional/noticia-gobierno-retoma-seleccion-candidato-juez-estrasburgo- requisito-edad-anulo-supremo-20170726180058.html.
9. See note n°3.

8. That, having deliberated and carefully evaluated the curricula of all the candidates, the Committee has unanimously decided, as shown by a written statement signed by all members with voting rights submitted to the Secretary on 1 November 2017, to submit to the Council of Ministers, following prior communication to the Executive Council on Foreign Policy, the following proposed list of candidates in alphabetical order:

– Ms María Elósegui Ichaso

– Mr José Martín y Pérez de Nanclares

– Mr Francisco de Asís Pérez de los Cobos Orihuel

On the basis of grounds listed in Annex I attached to the present certificate.

9. That, as set out in the eighth section of the Council of Ministers Agreement dated 25 January 2017, once the list of candidates has been adopted by the Council of Ministers, it shall be submitted to the Advisory Panel of Experts of the Council of Europe on candidates for election as Judge to the European Court of Human Rights.

I FURTHER CERTIFY that the following documents are appended to the present certificate:

– The unanimous agreement by the members of the Committee on the list of proposed candidates, submitted on 1st November 2017 to the Secretary.

– The Council of Ministers Agreement dated 25 January 2017, in its published official version, along with its translations into French and English.

– The call for applications of 24 July 2017, in its published official version, along with its translation into French and English.

– Curriculum vitae of each candidate, in alphabetical order.

English and French translations of this certificate will also be provided.

I hereby issue this certificate, to all appropriate official effects, acting as Secretary of the Committee, with the approval of the President.

Madrid, 1st November 2017.

APPROVED BY THE PRESIDENT,

Mr Ildefonso Castro López, State Secretary for Foreign Affairs

THE SECRETARY,

Mr Rafael Andrés León Cavero, State Attorney

Agreement of the members of the Committee on the unanimous designation of the list of proposed candidates, submitted on 1st November 2017 to the Secretary

Evaluation of candidates by the selection committee in order to submit the list of proposed candidates to the council of ministers submitted by the Spanish government for election as Spanish judge to the European Court of Human Rights.

The selection Committee first and foremost recognises the quality of the candidates applying to this call, all of them of the highest moral character and with recognised professional competence within the legal field.

Secondly, the Committee deems it necessary to apply a first filtering by which, either for lacking the required language proficiency, for not being able to hold office for at least half of the period before reaching the retirement age or for lacking expertise in terms of fundamental rights and in particular in the field of the European Convention on Human Rights and Fundamental Freedoms, the profiles of some candidates have not been considered eligible strictu sensu for office as a Judge to the European Court of Human Rights.

Among the remaining candidates, who a priori fulfil all requirements, the Committee believes that the following candidates are the most suitable, and allow to fulfil the recommendation of gender-balance:

Ms MARÍA ELÓSEGUI ICHASO

This candidate fulfils the criterion of being jurisconsult of recognised competence. Her professional career is essentially academic and, under it, she has served as an expert appointed to a Commission of the Council of Europe.

She has been Professor of Philosophy of Law since 2010. She has lived and has been educated for more than five years in a number of Member States of the Council of Europe, which confers her some familiarity with different judicial cultures such as the French-speaking, English-speaking or Germanic. She has also taken part in Conferences of the United Nations on the principle of equity of gender. In addition to her work on fundamental rights, she has specialized in methods of legal interpretation, legal arguments, weighing and applying the principle of proportionality, specifically regarding the implementation of those techniques to controversial questions on human rights.

Related to this, she has acted as consultant to different governments by drafting bills on gender equality, family law, development cooperation and also in the European Parliament initiative on the consequences of globalization for women immigrants from Mediterranean countries.

Mr JOSÉ MARTÍN Y PÉREZ DE NANCLARES

This candidate fulfils the criterion of being jurisconsult of recognised competence, with an essentially academic profile and with experience acting before international courts.

He has been Professor of Public International Law since 2011, with formal training in Constitutional Law through postgraduate studies. He holds a Master’s degree and a PhD in European Law from different German universities. He has extensively published within the scope of human rights, public international law and constitutional law and on the judicial dialogue between the ECJ and the ECHR. He has carried out a number of activities linked to the protection of human rights, especially within the field of NGOs, in particular his involvement as legal expert on international law in an international field mission on extrajudicial executions should be stressed. He therefore has a wealth of international experience and knowledge of legal systems from other States on both a theoretical and practical level.

Finally, it is worth mentioning that he has been involved in collegiate bodies and international working groups of different scope (European Union, Council of Europe and United Nations), which gives him the ability to connect different legal subsystems within the international order.

Mr FRANCISCO DE ASÍS PÉREZ DE LOS COBOS ORIHUEL

This candidate combines both professional requirements alternatively provided for in Article 21 of the ECHR for judges of the European Court of Human Rights, due to his qualification derived from occupying the highest position in the constitutional order as for being a judge with recognized competence on fundamental rights with a long professional career.

In particular, he has been a Judge at the Constitutional Court (2011-2017) and its President (2013-2017). He has been Professor of Labour and Social Security Law since 1994.

All along his professional career he has widely devoted himself, from different angles, to the field of fundamental rights. As constitutional judge, he has been involved in the deliberations on three-hundred and fifteen judgments regarding appeals for protection, being rapporteur in forty-five of them. He has broad experience in the dialogue between the Constitutional Court and the European Court of Human Rights which, accordingly, proves his knowledge of the case law of both Courts. He has taken part in a number of encounters and meetings with European and Latin-American Constitutional Courts, having served as Permanent Secretary of the Latin-American Conference on Constitutional Justice. He has also taken part in various meetings of the Venice Commission.

According to his academic profile, the expertise on human right comes from his doctoral thesis and covers a number of publications, mainly related to labour rights and its interaction with other fundamental rights.

Consequently, the selection Committee submits to the Government the following list of candidates – in alphabetical order, as required by the applicable regulation – for election as Spanish judge to the European Court of Human Rights:

– ELÓSEGUI ICHASO, MARÍA

– MARTÍN Y PÉREZ DE NANCLARES, JOSÉ

– PÉREZ DE LOS COBOS ORIHUEL, FRANCISCO DE ASÍS

THE PRESIDENT,

[Signature]

Ildefonso Castro López, State Secretary for Foreign Affairs

MEMBER OF THE COMMITTEE,

[Signature]

Carmen Sánchez-Cortés Martín, State Secretary for Justice

MEMBER OF THE COMMITTEE,

[Signature]

Áurea Roldán Martín, Undersecretary of Justice

MEMBER OF THE COMMITTEE,

[Signature]

José María Jover Gómez-Ferre, Undersecretary of Presidency and Territorial Administration

The Council of Ministers Agreement dated 25 January 2017, in its published official version, along with its translation into French and English.

BOLETÍN OFICIAL DEL ESTADO[10]

Tuesday, 31 January 2017

MINISTRY OF PRESIDENCY AND TERRITORIAL ADMINISTRATION

968

Resolution of 25 January 2017, by the Undersecretariat, providing for the publication of the Council of Ministers Agreement dated 20 January 2017, by which some guidelines for the establishment of a list of candidates for the post of judge to the European Court of Human Rights are set forth.

The Council of Ministers, at the meeting held on 20 January 2017, acting on the proposal of the Minister of Foreign Affairs and Cooperation, the Minister of Justice and the Minister of Presidency and Territorial Administration, has adopted an Agreement by which some guidelines for the establishment of a list of candidates for the post of judge to the European Court of Human Rights are set forth.

Considering its knowledge to be of general interest, the agreement is annexed to the present Resolution providing for publication.

Madrid, 25 January 2017. The Vice president of the Government and Minister of Presidency and Territorial Administration, by delegation (Presidential Decree /934/2012 of 24 April 2012), the Undersecretary of the Presidency and of the Territorial administrations, José María Jover Gómez-Ferrer.

ANNEX

Agreement by which some guidelines for the establishment of a list of candidates for the post of judge to the European Court of Human Rights are set forth.

Article 20 of the Convention for the Protection of Human Rights and Fundamental Freedoms, signed in Rome on 4 November 1950 and ratified by Spain on 26 September 1979 (BOE[11] no. 243, of 10 October 1979) (hereunder “the Convention”), provides that the European Court of Human Rights (hereunder “the Court”) shall consist of a number of judges equal to that of the High Contracting Parties.

Article 22 of the Convention provides that judges shall be elected by the Parliamentary Assembly with respect to each High Contracting Party by a majority of votes cast from a list of three candidates nominated by the High Contracting Party.

Contracting Parties have expressed on several occasions their interest that candidates for election as Judge to the Court effectively possess the qualifications required by the Convention, especially regarding a broad knowledge in practice of national legal systems and of public international law, as well as proficiency in one official language of the Court, and at least, a passive knowledge of the other, in order to preserve its independence and impartiality, high quality and consistency of jurisdictional decision-making taken by this High Court. To this effect, in the conclusions reached at the High Level Conferences held at Interlaken, Izmir and Brighton, under the auspices of the successive rotating presidencies of the Committee of Ministers of the Council of Europe, the need to improve transparency of selection procedures has been outlined in order to ensure the appropriate qualification of candidates.

In monitoring these commitments, the Committee of Ministers of the Council of Europe created, by Resolution of 10 November 2010, the Advisory Panel of Experts on Candidates for Election as Judge to the Court in order to assess, before a final list is presented to the Parliamentary Assembly, whether candidates proposed by Contracting Parties meet the criteria stipulated in the Convention.

To the same end, the Committee of Ministers adopted on 20 March 2012, the “Guidelines of the Committee of Ministers on the selection of candidates for the post of judge at the European Court of Human Rights” on which, apart from echoing the aforementioned conventional requirements, some additional recommendations regarding minimum language requirements for candidates, the procedure for eliciting applications, the selection process and the reasoning of the final decision are set forth.

10. Official State Gazette.
11. BOE (Boletín Oficial del Estado) Official State Gazette.

It is worth pointing out, for these purposes, that high qualifications required from candidates for the post of judge at the Court, require a thorough, exhaustive selection process. It is therefore advisable that the three candidates proposed by the Council of Ministers should in general be able, before reaching the retirement age, to serve on the Court for all of the nine-year term of office for which they will be appointed by the Parliamentary Assembly of the Council of Europe.

In the light of this background, the Council of Ministers has considered it appropriate to adopt some guidelines with a view to drafting the aforementioned list of candidates for the post of judge at the Court, in order to perform it whenever required.

In accordance with the power conferred by Article 97 of the Spanish Constitution, and within the exercise of their discretionary competence to submit a list of candidates to perform the highest international and jurisdictional functions, the final resolution shall correspond to the Council of Ministers by means of an agreement to submit it for further consideration by the Advisory Panel, prior to its referral to the Parliamentary Assembly of the Council of Europe.

By virtue whereof, acting on the proposal of the Minister of Foreign Affairs and Cooperation, the Minister of Justice and the Minister of Presidency and Territorial Administration, the Council of Ministers, at its meeting held on 20 January 2017, hereby

AGREE

First

Where, pursuant to the provisions set forth in the Convention, it proves necessary to propose candidates for the post of judge at the Court by the Kingdom of Spain, the Minister of Foreign Affairs and Cooperation shall notify the need to adopt such decisions to the Ministers of Justice and Presidency and Territorial Administration and to the Executive Council on Foreign Policy, in order to produce a list of candidates in accordance with the provisions set out in this Agreement.

Second

Pursuant to the provisions set forth in the Convention, candidates shall be of high moral character and shall possess the qualifications required for appointment to high judicial office or be Jurisconsults of recognized competence, and shall undertake not to engage, for the duration of their term of office, in any activity incompatible with their independence or impartiality or with the demands of a full-time office.

Third

Wide dissemination of the call for submission of applications shall be guaranteed through publication in the “Official State Gazette”, as well as by means of those additional procedures to be decided by the Undersecretary of Foreign Affairs and Cooperation, the Undersecretary of Justice and the Undersecretary of Presidency and Territorial Administration, to come to the attention of potentially suitable candidates and for a reasonable period of time. Applications shall be submitted to any of the places provided for in Article 16.4 of Act 39/2015, of October 1st 2015, on Common Administrative Procedure of Public Administration.

Fourth

A Committee is hereby established to assess the suitability of candidates, consisting of the State Secretary for Foreign Affairs, the State Secretary for Justice, the Undersecretary of Justice and the Undersecretary of the Presidency and of Territorial Administration.

The State Secretary for Foreign Affairs will chair the Committee.

The Committee decisions shall be taken, in any event, by agreement of all the members concerned. The powers conferred on their members cannot be delegated.

A State Attorney appointed by the General State Attorney-Directorate of the Legal Service shall provide the secretariat for the Committee, who shall attend the meetings with speaking rights but not to vote.

Fifth

In the exercise of their functions, the Committee shall be assisted by a number of advisers entitled to represent, among others: the International Laws Department of the Ministry of Foreign Affairs and Cooperation, the General Counsel of the Judiciary, the Office of the Prosecutor-General, the Ombudsman and the Ministry of Foreign Affairs' and Cooperation's Office of Language Services.

Sixth

The Committee shall evaluate the candidates' curricula vitae and shall perform any interview it deems necessary in order to assess their suitability for the post to be filled, which, in any event, shall meet the following requirements:

– be a Spanish national

– not to exceed the age of 61 years by the closing date for the submission of applications.

– be proficient in one official language of the Court (English or French) and also possess at least a passive knowledge of the other.

Seventh

Having examined the curricula vitae and performed the eventual interviews, the Committee shall propose a list of candidates for the post of judge at the Court which should as a general rule include candidates of both sexes, and shall be communicated to the Executive Council on Foreign Policy prior to its submission to the Council of Ministers for a decision to be taken.

Eighth

Once the list of candidates has been adopted by the Council of Ministers, it shall be submitted to the Advisory Panel of Experts of the Council of Europe with a view to the election of judges to the European Court of Human Rights.

Call for applications of 24 July 2017, in its published official version, along with its translation into French and English

BOLETÍN OFICIAL DEL ESTADO[12]

Wednesday, 26 July 2017

MINISTRY OF PRESIDENCY AND TERRITORIAL ADMINISTRATION

8870

Resolution of 24 July 2017, issued by the Undersecretariat, providing for the publication of the notice of initiation of the time limit to apply for the list of candidates proposed by the Kingdom of Spain to the Parliamentary Assembly of the Council of Europe, responsible for appointing a Judge to the European Court of Human Rights.

The Agreement of the Council of Ministers of 20 January 2017, published through a Resolution issued by the Undersecretariat of the Ministry of Presidency and Territorial Administration on 25 January 2017 ("Boletín oficial del Estado"[13] no. 26, of 31 January 2017, reference no. 968) set forth some guidelines for the establishment of a list of candidates for the post of judge to the European Court of Human Rights.

The said Agreement was appealed before the Supreme Court, who, through a judgment issued on 31 May 2017 by the Third Chamber ("Boletín Oficial del Estado"[14] no. 137, of 9 June 2017, reference no. 6514) declared the nullity of Sixth section of the said Agreement, regarding the requirement not to exceed the age of 61 years by the closing date for the submission of applications.

Consequently, and after the mandatory prior notice was carried out by the Ministry of Foreign Affairs and Cooperation to the Ministry of Presidency and Territorial Administration and to the Ministry of Justice, as well as to the Executive Council on Foreign Policy, should be published hereby the notice to initiate the selection process and the calling for applications which will be developed as provided for in the following sections, in compliance with the said Council of Ministers Agreement of 20 January 2017, with the exception of the section invalidated by the Supreme Court.

First

Pursuant to the provisions of the European Convention of Human Rights, candidates shall be of high moral character and shall possess the qualifications required for appointment to high judicial office or be Jurisconsult of recognized competence, and should undertake not to engage, for the duration of their term of office, in any activity incompatible with their independence or impartiality or with the demands of a full-time office.

Candidates shall be Spanish nationals and demonstrate proficiency in one of the official languages of the Court (English or French) and also possess at least a passive knowledge of the other.

Second

The time-lime for submission of applications shall be 30 working days from the day following the publication of this notice in the "Official State Gazette".

Third

The applications shall be addressed to the Presidency of the Selection Panel, which, according to the fourth section of the Agreement of 20 January 2017, is held by the State Secretary for Foreign Affairs. The applications shall be addressed to the following address: Servicio de Registro General, Ministerio de Asuntos Exteriores y de Cooperación, Palacio de Santa Cruz, plaza de la Provincia, no. 1, 28012 Madrid.

And likewise to the following emails: dg.nnuuddhh@maec.es and dgcjirc@mjusticia.es.

Applications may also be submitted to any of the places provided for in Article 16.4 of Act 39/2015, of October 1st 2015, on Common Administrative Procedure of Public Administration.

12. Official State Gazette.
13. See previous note.
14. See previous note.

Fourth

The Panel shall evaluate the candidates 'curricula vitae received, which must conform to the models set out in the Annex (in English and French, the two official languages of the Court, as well as in Spanish), and shall perform any interview as it deems necessary in order to assess their suitability for the post to be filled.

Fifth

The notice to initiate the selection process shall also be published at the webpages of the Ministry of Foreign Affairs and Cooperation, the Ministry of Presidency and Territorial Administration and the Ministry of Justice, in order to come to the attention of potentially suitable candidates.

Madrid, 25 July 2017. The Undersecretary of Presidency and Territorial Administration, José María Jover Gómez-Ferrer.

Model curriculum vitae for candidates seeking election to the European Court of Human Rights[15]

I. Personal details

Name, forename

Sex

Date and place of birth

Nationality/ies

II. Education and academic and other qualifications

III. Relevant professional activities

a. Description of judicial activities

b. Description of non-judicial legal activities

c. Description of non-legal professional activities

(Please underline the post(s) held at present)

IV. Activities and experience in the field of human rights

V. Public activities

a. Public office

b. Elected posts

c. Posts held in a political party or movement

(Please underline the post(s) held at present)

VI. Other activities

a. Field

b. Duration

c. Functions

(Please underline your current activities)

VII. Publications and other works

(You may indicate the total number of books and articles published, but mention only the most important titles (maximum 10))

15. This text is taken from the Appendix to Parliamentary Assembly Resolution 1646 (2009).

VIII. Languages

(Requirement: an active knowledge of one of the official languages of the Council of Europe and a passive knowledge of the other)

Language	**Reading**			**Writing**			**Speaking**		
	very good	**good**	**fair**	**very good**	**good**	**fair**	**very good**	**good**	**fair**
a. First language:									
.....	..	..	..	..	..	..	..	..	..
(Please specify)									
b. Official languages:									
– English	..	..	..	..	..	..	..	..	..
– French	..	..	..	..	..	..	..	..	..
c. Other languages:									

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.

X. Other relevant information

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

INFORMATION FOR ADMINISTRATIVE USE ONLY BY THE PARLIAMENTARY ASSEMBLY:

Complete address (No, Street, Postal Code, Town, Country):

Telephones:

Professional:

Personal (optional):

Mobile (optional):

E-mail:

Fax (optional):

Appendix 1 – María ELÓSEGUI ICHASO

CURRICULUM VITAE

I. Personal details

Name: Elósegui Ichaso

Forename: María

Sex: female

Date and place of birth: 7th December 1957. San Sebastián (Guipúzcoa). Spain.

Nationality: Spanish

II. Education and academic and other qualifications

– Doctor in Law
– Doctor in Philosophy
– Degree (B.A.) in Law
– Degree (B.A.) in Philosophy
– Master in Philosophy, University of Glasgow
– Master in Law, University of Saint Louis, Brussels

III. Relevant and academic and other qualifications

a) Description of Legal-activities in the Council of Europe

– Expert of the Commission against the Racism and Intolerance of the Council of Europe (ECRI), Strasburg, nomination by the Committee of Ministers of the Council of Europe, from 2013 until December 2017.

http://www.coe.int/t/dghl/monitoring/ecri/about/Members/ELOSEGUI_CV.asp#TopOfPage

– Active participation by attending all ECRI meetings in the last five years (three times per year). Realisation of the visits to prepare the reports on Switzerland and Italy.

b) Description of non-judicial legal activities.

– Full Professor of Jurisprudence (Philosophy of Law) in the Law Faculty of the University of Saragossa (Spain). Civil Servant (by passing official exams) from 1994 until now. From 2010 having the Chair of Full Professor.
– Research on Human Rights and Council of Europe Institutions, including the case law of the European Court of Human Rights.
– Teaching in the Law Faculty Legal Theory, Jurisprudence and Human Rights. Specialist in methods of judicial interpretation, legal argumentation, weighing and application of the principle of proportionality. In addition to being trained in Spain, she has also carried out long research stays at European universities, especially in Germany and Belgium, which has allowed her to know these techniques in theory and in practice, working with Professor Robert Alexy, for example in the German constitutional law of great influence in the Spanish constitutional law and in the European Court of Human Rights itself.
– She has been trained and lived for more than five years in countries that are part of the Council of Europe, such as Scotland, Belgium and Germany. She knows various legal cultures, such as Francophone, Anglophone and German Legal System.
– In addition, one of her topics of specialisation is to apply these techniques to controversial human rights issues.

– Specifically for several years she has investigated the jurisprudence of the ECtHR, which is reflected in her latest publications.

– As a legal consultant has drafted the following legislation:

– Elaboration of the draft Organic Law of Guarantee of Equality between women and men by order of the Spanish Government, with an agreement of advice, Institute of the Woman and Secretary General of Policies of Equality, dependent of the Ministry of Labor and Social Affairs. Delivered February 2005 (Prepared by four experts). Approved the Draft Law in the Council of Ministers of Spain, on March 7, 2006. Effective since March 2007.

– Elaboration of the Autonomous Law of Equality of Aragon, commissioned by the Aragonese Institute for Women, Council of Social Welfare and Family, Government of Aragon.

– Elaboration of the Family Law of Aragon. Commissioned by the Government of Aragon, Ministry of Social Welfare and Family, from the Government of Aragon to a team of professors of the Faculty of Law of the University of Zaragoza.

– Drafting of a European Parliament Initiative Report on the consequences of globalization for immigrant women in the Mediterranean countries (2000/2251 (INI)).

– Elaboration of the strategies of the Spanish Agency for Development Cooperation.

– Expert Adviser at the Spanish Agency for Project Evaluation (ANEP).

– Evaluator of the Agency for the Quality of the University System of Castilla y León (ACU).

– Expert Evaluator of the Academy Program of ANECA (National Agency for Quality Assessment) for National Accreditation for access to university teaching bodies in the Branch of Social and Legal Sciences, cf. Panel of experts until the disappearance of the panel of experts for the new reform of the accreditation process in 2016.

– Expert of the Development Cooperation Council. Appointment by the Minister of Foreign Affairs, BOE May 2001. Duration of the three-year non-renewable term, as legislated in the Development Cooperation Law. Vocal expert on gender issues.

– Provision of courses in the General Council of the Judiciary. Judicial School Roundtable: Hate crimes and discrimination (6, 7 and 8 February 2017) and others.

c) Description of legal professional activities in international institutions of Human Rights.

– Council of Europe (ECRI) expert on racism and intolerance, based in Strasbourg, appointed by the Committee of Ministers of the Council of Europe from 2013 to 2017.

– As for international bodies, in addition to the Council of Europe, she has participated directly as an academic expert in attending more than ten United Nations international conferences on human rights, especially on equality rights between women and men, since the Beijing conference in 1995 until its revision ten years later. Also to other conferences organized by the Council of Europe (see below).

IV. Activities and experience in the field of human rights

– Research period as a study visit to the Council of Europe and the European Court of Human Rights for three months (May, June and July 2012) at the General Directorate of Human Rights and Rule of Law, with the assistance of mobility to academic professors within the program of the Government of Aragon.

– Research stay as a study visitor visit to the Council of Europe and the European Court of Human Rights for a month (16 June to 16 July 2014) at the General Directorate of Human Rights and Rule of Law.

– She has also been invited to participate with the Council's Human Rights Division in the development of a Compilation on all standards related to the principles of freedom of thought, conscience and religion related to human rights adopted by the Council. Steering Committee on Human Rights, published in December 2015.

– Assistance with Accreditation to the governmental discussions organized by the UN in New York as part of the preparatory work for the Fourth World Conference on Women in Beijing on "The Fourth Platform for Action for the Equality of Women". March 1995.

– Fourth UN World Conference on Women. Beijing, China, from 4 to 14 September 1995. Participation with Accreditation at the Government Conference. Women's UNO Conference. Type of participation: Observer, academic expert.

– UN World Conference on Habitat II. The right to housing. Istanbul, Turkey). June 1996. Type of participation: Observer, academic expert.

– Named expert on equality by the Council of Europe, she has attended the Council of Europe Forum "National Policies in the Field of Equality between Women and Men". In Tallinn (Estonia) from 27 to 29 November 1997. Type of participation: Expert. Moderator.

– Title: Equal opportunities for Women and Men in Labor Market. Type of participation: Congress: First Sino-European Seminar on Women's Issues. Beijing. October. 1998. Coordinated by Ms Daniela Napoli, Head of the Human Rights and Democratization Unit, Dg 1 A founded by Mr Jean Christian Remond DG 1, European Commission organized by the All China Women's Federation and the Austrian Coalition for Women's Human Rights. Edited by Austrian Coalition for Women's Human Rights and All China Women's Federation. Location: Beijing. Date: October 1998.

– United Nations Conference on Review of the Cairo Conference on Population and Development, Cairo plus five.Type of participation: Observer, academic expert. Congress: United Nations Conference. Place: New York. Date: Two sessions, March and June 1999.

– Title: Interculturalism and the Rights of Women in Minorities. Type of participation: paper. Congress: Europe-China Human Rights Seminar Location: Finland. Date: 6-8, September 1999. Organized by the European Union.

– Type of participation: Observer. Conference: Beijing Plus Five Conference of United Nations on Women Location: New York. Date: 5-9 June 2000.

– Title: The role of the Institute of WomenType of participation: paper. Congress: Women's Leadership: The Challenge of Gender Mainstreaming Venue: New York-Jordan. Date: 1-17 June 2000.

– Intervention in the European Parliament in a "Public Hearing on Women and Fundamentalism", organized by the Committee on the Rights of Women and Equal Opportunities. 23 January 2000.

V. Public activities

a) Posts in the public service:

(Previously from 1980 to 1988: taking doctoral courses, writing of doctoral thesis and teaching with indefinite employment contract).

– Category: Postdoctoral Fellow of the Ministry of Education and Science

Organization or Center: University of Glasgow

Dedication scheme: Full Time.

Date appointment or contract: 1 September 1988 to 1 September 1990. Two years.

– Category: Postdoctoral Fellow of the Ministry of Education and Science

Organization or Center: University of Valencia

Dedication scheme: Full Time

Date appointment or contract: 1 October 1990.

– Category: Prof. Assistant University School

Organization or Center: University of Zaragoza

Dedication scheme: Full Time

Date appointment or contract: 1 October 1991. Renewal 1 October 1993.

– Category: Principal University Professor

Organization or Center: University of Zaragoza

Dedication scheme: Full Time

Date appointment or contract: 8 April 1994 to the present day without interruption.

– Category: University accredited professor.

Organization: ANECA (Spanish Quality Assessment Agency).

Academy Program.

Date of accreditation: resolution of September 3, 2008.

– Category: holder of the Chair of Philosophy of Law.

Date of inauguration February 16, 2010 until today.

b) Elective mandates

– Bioethics Committee of Aragon. Expert appointed by the Rector of the University of Zaragoza (2013-2017). Elected as vice-president by the members of the Committee itself.
– Renewal for 2017-2021 and elected again as vice-president in May 2017.
– Member and position of Secretariat of the Commission to supervise PHD students at the University of Zaragoza (standards of quality, juries and so on) (2013-2017). Elected by votation among the Directors of PhD Programs by the ten programs of Doctorate of Social and Legal Sciences. Renewal again by voting as a member of the Doctorate Commission (2017-2021).
– She has twice been appointed as human rights expert by the European Commission, on a proposal by the Women's Institute, to negotiate with the Chinese Government on human rights.
– She has been nominated by the Women's Institute, and elected by the UN University, to participate in the Women's Leadership Program: The Challenge of Gender Mainstreaming.

c) Posts held in a political party or movement

She does not belong to any political party. She has never exercised functions within a party or a political movement. She has only been a career official of the Spanish State as university professor.

The majority of the posts that she has occupied have been by open exams and because of professional merits. Regarding independence and impartiality, the positions she held have been based on capacity and merit, with competitive scholarships, and competitive positions. Exceptionally, she has been called to participate punctually as an expert in legislative matters, based on knowledge of the subject, and has been asked to collaborate with different political parties, insofar as they were compatible with her main occupation of teaching and research as a university professor. She prepared the preliminary draft of the Organic Law on equality between women and men 3/2007, now in force, on the proposal of the Ministry of Labor, chaired by Minister Mr Caldera. She has collaborated with the Ministry of Foreign Affairs for three years as an expert on Development Cooperation, on the proposal of Mr Miguel Ángel Cortés and appointed member of ECRI by the Committee of Ministers of the Council of Europe in 2013, on the proposal of the Spanish Ministry of Women and equal opportunities.

Some of her academic appointments have been:

– Research Associate, University of Glasgow (1988-1990).
– Visiting Professor at the University of Chicago (August 1990).
– Visiting Scholar, University of UCLA. Law School. (Los Angeles). USA. (July- August 1991).
– Visiting Professor at the University of Toronto. Canada. (January 1992).
– Visiting Professor at the Faculty of Law of the University of Saint Louis (1-X- 1993 to 31-III-1994).
– Visiting lecturer at the Faculty of Law of the Christian-Albrechts University (Kiel-Germany). 1996/1997 and July, August and September of 1998. As researcher of the Alexander von Humboldt Foundation.
– Visiting Professor at the Faculty of Law of the Christian-Albrechts University (Kiel-Germany) with Professor Robert Alexy, June and July 2013. As a researcher at the Alexander von Humboldt Foundation.

– Visiting lecturer at the University of Laval (Québec). Glen. August 2009. Research grant from the Government of Canada (Ministry of Foreign Affairs of Canada) and the International Council of Canadian Studies (CIEC).

– Study visit to the European Court of Human Rights. Council of Europe. Strasbourg. June 2008.

– Study visit to the Council of Europe in the General Directorate of Human Rights, twice.

– Visiting Professor at the German Institute of Human Rights (Germany).

– Visiting Professor at the Max Planck Institute for Comparative Public Law and International Law of Heidelberg, April, May and June 2017 and Heidelberg Law Faculty, Ruprechts-Karls-Universität Heidelberg. Institut für Staatsrecht. Verfassungslehre und Rechtsphilosophie.

VI. Other activities (Take up the activities carried out today)

– Coordinator of the doctoral program of Human Rights and Fundamental Freedoms of the University of Zaragoza.

Scope: Faculty of Law. Zaragoza's University

Duration: from 1999 to the present time 2017 (and continues).

Functions: Direction of the doctoral program.

– Direction of doctoral theses on Human Rights in the Faculty of Law of the University of Zaragoza. She has been the director of 15 Doctoral Theses and 30 Master´s Essays.

– Direction of a legal magazine *Aequalitas* on Legal equality of opportunities between women and men.

Scope: Aragonese Institute of Women and University of Zaragoza.

Duration: from 1999 to the present time 2017.

Functions: Director of the Journal.

– Member of the Spanish Academy of Jurisprudence and legislation.

– Spanish Association of Legal and Social Philosophy (AEFJS).

– Member of the Spanish Association of Researchers Alexander von HUMBOLDT.

– Member of the SIEM (Interdisciplinary Seminar on Women's Studies) of the University of Zaragoza, since 1995.

VII. Publications and other works

– TOTAL: 15 Books and more than 86 articles (in Spanish, English, French and German) related to human rights, covering the fields of: minority rights; cultural rights; women rights; equality and non-discrimination; immigration; European Human Rights Court, Council of Europe, ECRI.

– With regard to human rights issues, her research topics have focused on fundamental rights issues and their implementation, with their usual judicial disputes. Especially, on issues of equality and non-discrimination based on gender or race. In general, she has been interested in controversial issues related to the scope of law in the fields of cultural identity rights, the right to religious freedom, the right to citizenship and integration for immigrants, as well as gender, gender identity and patient rights. All this, not only from a theoretical point of view, but trying to provide real solutions both legislative and jurisprudential. In fact some of her proposals de lege ferenda have been taken into account by the Spanish legislator. Among them, she recently appeared in the equality subcommittee of the Spanish Parliament. Some of her suggestions, along with those of others have been reflected for example in the paternity leave of one month for childbirth. She has also closely followed the jurisprudence of the ECtHR and Spanish jurisprudence on the subject of education for citizenship and human rights, including writing three manuals to teach what the Council of Europe proposed, human rights legislation. After studying closely the Spanish legislation and its implementation, she investigated the legislation of the subject in Germany, making proposals de lege ferenda.

Some publications

1. El derecho a la igualdad y a la diferencia, Madrid, Ministerio de Trabajo y Asuntos Sociales, Instituto de la Mujer, 1998.

La transexualidad: jurisprudencia y argumentación jurídica, Granada, Comares, 1999

El rostro de la violencia. Más allá del dolor de las mujeres (Coordinadora),Barcelona, Icaria, 2002

4. Las acciones positivas para la igualdad de oportunidades laborales entre mujeres y hombres. Un análisis de la legislación alemana y la Directiva 76/207/CEE desde la teoría de la argumentación de Robert Alexy, Madrid, Centro de Estudios Políticos y Constitucionales, 2003.

5. Derechos Humanos y pluralismo cultural, Madrid, Iustel, 2009, 289 p. Premio Luis Portero de Derechos Humanos 2008, concedido por la Real Academia de Jurisprudencia y Legislación de Granada, patrocinado por el Ayuntamiento de Granada. Publicado un capítulo en inglés “Law and Cultural Diversity in Spain”, en el libro colectivo FOBLETS, M.C (ed). The Response of the State Law to the Expression of Cultural Diversity, Bruselas, Bruylant, Francqui Foundation, 2010.

6. Elósegui, M., El concepto jurisprudencial de Acomodamiento razonable. El Tribunal Supremo de Canadá y el Tribunal Europeo de Derechos Humanos ante la gestión de la Diversidad cultural y religiosa en el espacio público, Cizur Menor, Thomson Reuters-Aranzadi, 2013, 459 p.

7. Flores, Alejandra, ELÓSEGUI, María y URIBE, Enrique (editores) El neoconstitucionalismo en la teoría de la argumentación de Robert Alexy. Homenaje en su 70 Aniversario, México, editorial Porrúa y Universidad Autónoma del Estado de México, 2015, 260 p.

8. Elósegui, María (Coordinadora), “El principio de proporcionalidad de Alexy y los acomodamientos razonables en el caso del TEDH Eweida y otros c. Reino Unido/ Das Verhältnismäßigen Anpassungen in der Entscheidung des Europäischen Gerichtshofs für Menschenrechte (EGMR) im Fall Eweida und Andere gegen das Vereinigte Königsreich”, Los principios y la interpretación judicial de los Derechos Fundamentales. Homenaje a Robert Alexy en su 70 Aniversario, Zaragoza, Fundación Giménez Abad, Alexander von Humboldt Stiftung y Marcial Pons, 2016, 400 p.

9. Elósegui, María, “Denial or Justification of Genocide as a Criminal Offence in European Law”, in María Elósegui and Cristina Hermida (Eds.), Racial Justice, Policies and Court´s Legal Reasoning, Germany, Springer, 2017. Spanish versión Elósegui, M. "La negación o justificación del genocidio como delito en el derecho europeo. Una propuesta a la luz de la Recomendación nº 15 de la ECRI", Revista de Derecho Político, nº 98, 2017, pp. 251-334.

10. Elósegui, M. “Nationalism and identities in the Baltic Republics: the Case of Latvia”, En Paloma Otaola & Stéphanie Bory, Autonomies et Indépendances: le nationalisme au XXIe siècle, Paris, Connaissances et Savoirs, 2015. ISBN: 9782342055825.

VIII. Language

– Active knowledge of the two official languages of the Council of Europe (English and French). Also active knowledge of German.

– She presents the accreditation of French language qualifications (DALF C1, Diplôme approfondi de Langue Française for the Ministère de l'éducation nationale, de l'enseignement supérieur et de la Recherche de la République française) and English (B2 Cambridge English Language Assessment), with active knowledge of both and updated and recycled with recent official exams.

French: Official titles of DELF (level B2) and official title of DALF (level C1), granted by the French Government. Official intermediate level title (B1) of the Official School of Languages (equivalent to third and fourth year). C1 level improvement course at the Official Language School of Zaragoza (Two semesters 2010/2011, two semesters 211/2012, two semesters 2012/2013). Attendance to C1 classes at the Institut Français 2013/2014.

English. Official titles, First Certificate of Cambridge (Level B2) in 1989, and also Title of the British Council. Completed official Cambridge First Certificate examination (Level B2) again in June 2016.

German: Titles of the Goethe Institut. Zertifikat Deutsch (ZD). Zentrale Mittelstufenprüfung (ZMP) (level B2). In addition Official intermediate level (B1) of the Official School of Languages (equivalent to third and fourth year). C1 level improvement course at the Official Language School of Zaragoza (Two semesters 2010/2011).

First language

– Spanish (mother tongue). Read, very good. Written, very good. Spoken, very good.

Official languages

– English: Read, very good. Written, very good. Spoken, good.

– French: Read, very good. Written, good. Spoken, very good.

Autres langues

– German: Read, good. Written, fair. Spoken, fair.

IX. She is currently preparing the Cambridge Advanced English Exam.

X. Other relevant information. None.

XI. She confirmed that she would take up permanent residence in Strasbourg if elected a judge on the Court.

Being a career civil servant (Grade A 29) and currently 59 years old (Born on 7th of December 1957), she fulfills the requirements to be able to perform in full, before reaching the age of retirement, the mandate of nine years for which she would be appointed by the Parliamentary Assembly of the Council of Europe (since her retirement age as University Professor is at age 70).

Appendix 2 – José MARTÍN y PÉREZ DE NANCLARES

CURRICULUM VITAE

I. Personal details

Name, First name: Martín y Pérez De Nanclares, José

Sex: male

Date of birth: 09/03/1965

Place of birth: Vitoria (Spain)

Nationality: Spanish

Current occupation: Director of International Law (Asesoria Juridica Internaciona[) at the Spanish Ministry of Foreign Affairs and Co-operation.

II. Studies, university degrees and other qualifications

(only academic qualifications are included)

– From 1982 to 1983: preparation for university studies during last year of secondary school – Curso de Orientacion Universitaria (Final year) in Vitoria (Spain), passed with distinction.

– From 1983 to 1988: Law studies at the University of Salamanca (Spain).

– From 1.9.1988 to 30.6 1989: Constitutional Law studies at the University of Cologne (Germany). Chair held by Professor Klaus Stern (DAAD grant).

– From 1.8.1989 to 31.9.1990: Zertifikat über Européiische Studien (European Studies Diploma). Europa-Institut. University of Sarrebruck (Germany).

– From 1.10.1990 to 31.7.1991: Magister des Europarechts- Master of European Law

Europa-Institut. University of Sarrebruck (Germany).

– From 1.8.1991 to 18.2.1994: Doctorate in European Law (doctor iuris – magna cum laude). University of Sarrebruck (Germany).

– 18.7.1994: Doctorate in Law (sobresaliente cum laude –awarded a distinction with the congratulations of the examining board). University of Salamanca (Spain).

III. Relevant professional activities

a) Judicial activities

Lawyer and legal advisor for Spain before the International Tribunal for the Law of the Sea in the M/V “Louisa” case, SaintVincent and the Grenadines v. Kingdom of Spain (Case No. 18) and as the Spanish government’s agent in the Request for an advisory opinion submitted by the Sub-Regional Fisheries Commission (Case No. 21).

b) Non-judicial legal activities

aa) Legal activities of a practical nature

– As Director of Legal Affairs at the Spanish Ministry of Foreign Affairs and Co-operation, my work consists in advising and providing legal assistance to central government in the field of international law, by stipulating what can and what cannot be done while putting forward legal arguments to facilitate decisions in the context of the government’s foreign policy. I am therefore accustomed to resolving all sorts of legal issues, especially with regard to international treaty law and other provisions of international agreements (e.g. non-normative agreements or Memoranda of Understanding, and international administrative agreements), maritime law, diplomatic and consular law, international economic law, issues concerning the demarcation of (maritime) borders, all of which requires a clear aptitude for legal analysis and the permanent resolution of problems. I also have previous experience in the field of legal reports for public administrations and for different types of private business enterprises.

– Since 2012, I have been the Spanish representative on a working group of the European Council on Public International law (COJUR) and the CAHDI (Council of Europe Committee of Legal Advisers on Public International Law). I have also taken an active part as the representative of Spain in the work of the UN Sixth Committee (Legal Affairs), especially during the plenary discussion of the annual assembly of the UN International Law Commission (CDI).

– I have been the Head (or substitute head) of the Spanish delegation at many international meetings, in particular before the Meeting of States Parties to the United Nations Convention on the Law of the Sea (SPLOS) and have also taken part, as member of the Spanish delegation, in the international negotiation of several international treaties.

bb) Legal activities of an academic nature

From an academic standpoint, research work for legal publications and as preparation for attending very specialized conferences requires the in-depth analysis of the legal issues at stake (see below VII, publications). In addition to various publications on EU law (institutional law and substantive law) and on various general aspects of Public International Law (diplomatic immunities, international treaties, maritime law, inter alia), I have devoted much of my research work to the human rights sphere (particularly in the EU and the ECHR) and especially to the matter of judicial dialogue between the EU Court of Justice, the ECHR and constitutional courts.

– In addition to several years spent in Germany on specialist training courses and preparing my PhD (l989-1994), I have spent a certain amount of time doing research (and as a guest lecturer) at foreign universities, for example at Oxford University from (01/04/2000 to 31/08/2000), at Exeter University (from 01/09/2000 to 31/12/2000), at Columbia University, New York (from 18/08/2003 to 08/01/2004), at Fordham University, New York (from 01/10/2008 to 30/6/2009), and at the Max Planck Institute in Heidelberg (from 15/06/1995 to 16/09/l 995; from 02/01/20l0 to 31/01/20l0; 02/0 l/2011 to 31/01/2011; and from 02/2012 to 08/02/2012) and at the International Court of Justice (from 01/10/1994 to l/11/1994).

– I have participated as principal researcher in 11 research projects in the fields of international law and European law financed by national and international public organisations and also as researcher in 5 research projects led by other professors, including two European projects *(Citizens and Governance in a Knowledge-Based Society,* SS-ERC-Contract No. 029011 (EU), and *EU Law between Universalism and Fragmentation: Exploring the Challenge of Promoting EU Values Beyond its Borders,* 553418-EPP-l-2014-lES-EPPJMO-PEOJECT).

– Through universities, I have also signed 4 contracts with public administrations (Government of the Basque Country) to provide advice on various aspects of international law and European law, and have also developed several legal activities for other public administrations and private business enterprises.

c) Non-legal professional activities

– As a trainee at the Community Research and Development Information Service of the European Commission in Brussels (from 01/04/1993 to 31/01/1993).

– As a trainee at *Commisariat voor de Media* in Hilversum, Netherlands (from 02/01/1993 to 31/01/1993).

IV. Activities and experience in the human rights field

– At the same time as my current work as legal advisor at the Ministry of Foreign Affairs and Co-operation and my university experience as a lecturer, I have been involved in various activities linked to the protection of human rights, in particular in the NGO field. Among the latter, I would draw particular attention to my participation as an international law expert in an international mission (Spain, Germany, France, the United Kingdom and the United States) on extrajudicial executions in Colombia (International Observation Mission on extrajudicial executions and impunity in Colombia), which took place in 2007 (from 4/10/2007 to 10/10/2007) in Valle de Valledupar (Cesar) and Bogota.

– I have organized over twenty conferences and seminars on human rights protection in Europe and the position of individuals, for example on “La protección internacional de los derechos humanos. Balance en el 50 aniversario de la Declaración Universal de los Derechos del Hombre” (Logrofio, from 27/4/ l 998 to 30/4/1998), “La dimensión exterior del Espacio de Libertad, Seguridad y Justicia en la UE” (Salamanca, Apri1 2011).

– I have also taken part in a number of research projects on human rights, for example, on “La Carta de los derechos fundamentales de la Union Europea” (Fundación BBVA, from 1.11/2005 to 30.11.2007) or on “Control de fronteras exteriores y seguridad interna de la Union Europea: hacia una verdadera política común de inmigración” (Ministry of Education and Science, from 1.10.2006 to 30.9.2009).

– I am also a member of Amnesty International.

V. Public activities

a) Posts in the civil service

I have held several posts in the civil service, both at universities and in government:

aa) I am currently Director of International Law (Asesoría Jurídica Internacional) at the Spanish Ministry of Foreign Affairs and Co-operation (since 4 August 2012) and reserve Professor of Public International Law at Salamanca University (support service; I have held this post since 4 August 2012 until the end of his mission at the ministry).

bb) I previously held the following posts:

– Chair (catedrático) of Public International Law at Salamanca University (Spain) (from 7.1.2009 to 3.8.2012).

– Chair (catedrático) of Public International Law at La Rioja University (Spain) and the EU Commission Jean Monnet Chair in EU Law (from 11.12.2001 to 7.1.2009).

– Professor (profesor titular) of Public International Law at La Rioja University (Spain) (from 3.2.1996 to 10.12.2001).

– Lecturer (profesor asociado) in Public International Law at La Rioja University (Spain) (from 1.10.1993 to 3.2.1996).

cc) In addition to my main university activities, I have also held the following posts with ancillary duties but also in connection with international law:

– Director of the European Documentation Centre of Salamanca University (Spain) (from 1.10.2009 to 31.7.2012).

– Director of the European Documentation Centre of La Rioja University (from 1/10/1996 to 1/1/2009).

b) Elective office

aa) I have been elected to various posts in universities. The posts with responsibility that I have held are as follows:

– Secretary General (Secretario General) of La Rioja University.

– Vice-Rector of Research (Vicerrector de Investigación) of La Rioja University.

– Vice-Rector of Institutional and International Relations (Vicerrector de Relaciones Institucionales e Internacionales) of La Rioja University.

bb) I have also been appointed by the university to the following posts:

– Executive Vice-President (Vicepresidente ejecutivo) of the General Foundation of La Rioja University and member of its Committee of Patrons (patronato) (from 1.8.2004 to 26.6.2008).

– Member of the General Assembly of the La Rioja Chamber of Commerce and Industry (Cámara de Comercio e Industria) (from 1.1.2006 to 26.6.2008).

– Member of the Social Council (Consejo Social) of the Municipality of Logroño (since its establishment and up to 26.6.2008).

– Member of the Committee of Patrons (Patronato) of the Foundation of Valle del Ebro, integrated by the savings banks, chambers of commerce and federations of business leaders of La Rioja, Aragon and Navarra (l.8.2004-26.6.2008).

c) Posts held in a political party or movement

I have never been an active member of a political party or a member of a political or trade union movement. Nor have I ever written reports for or advised political parties or trade unions.

VI. Other activities

a) Current activities

– Member of the Advisory Committee of several specialised law journals (Revista de Derecho Comunitario Europeo, Cuadernos Europeos de Deusto and el Anuario de la Facultad de Derecho de la Universidad Autónoma de Madrid).

– Member of the Advisory Board of the Centre of International Studies (Centro de Estudios Internacionales) Barcelona (since 2014).

– Member of the Board of Directors (Junta Directiva) of the Spanish Association for the Study of European Law (since April 2008 up to the present date). Member of the same association since 1994.

– I give regular lectures at Spanish and foreign universities.

b) Previous activities

– Director of the journal Revista General de Derecho Europeo -www.iustel.com (from 2010 to 2012) and Executive Director and Secretary (since May 2003).

– Director of Boletín Europeo de la Universidad de La Rioja -BEUR- (1997 – 2006)

– Member of the Board of Directors (Junta Directiva) of the Spanish Association of Professors of International Law and International Relations (2007-2011, and member of the Association since 1994).

– Expert invited to take part in the Joint Congress/Senate Committee for the Affairs of the European Union (11.5.2007), in the Committee for European Affairs and Foreign Action at the Basque Parliament (21.10.2002, 14.11.2007 and 16.1.2008) and at the Parliament of Cap Verde (25.9.2007).

– DAAD Intern (becario) of the German Government (l.8.1988-31.7.1989); of the Government of the Basque Country (l. 9.1989-3 1.9.1993); of the Max Planck Institute in Heidelberg (15.6.1995-16.9.1995), of the Directorate General of Research and of the Universities of the Spanish Ministry of Education (l.5.2000-31.12.2000 and l8.8.2003-8.1.2004) and of the Ministry for Science and Research (1.10.2008- 30.6.2009).

– Member of the external auditing group for the internationalisation of universities (Audit Internationalisierung der Hochschulen) of the Germany Conference of University Rectors (Hochschulrektorenkonferenz). (I have also taken part in the audit of Darmstadt, Dresden and Postdam universities).

– Lecturer at numerous national and international seminars and conferences (including at the Congress of the International Federation of European Law on two occasions, London in 2002 and Linz in 2008).

VII. Scientific publications

I have written 7 books (two published in German and 5 in Spanish), and I have been the editor or co-ordinator of 14 books and compilations of legal texts (including a handbook on *European substantive law)* and 127 scientific articles published in specialist legal journals and in collective books in Spanish, German, English and French. (A list can be found on: https://dialnet.unirioja.es/servlet/autor?codigo=37401). My next work is likely to be a selection of the most notable works in the human rights fields, international public law and constitutional law and constitutional law publish in recent years.

a) Published in Spanish:

1.- " El TJUE como actor de la constitucionalidad en el espacio jurídico europeo: la importancia del diálogo judicial leal con los Tribunales Constitucionales y con el TEDH"[16], *Teoría y Práctica Constitucional* 2017, vol. 39, pp. 235-269.

2.- "El TJUE pierde el rumbo en el dictamen 2/2013: merece todavía la pena la adhesión de la UE al CEDH?"[17], *Revista de Derecho Comunitario Europeo,* vol. 52, 2015, pp. 825-869.

3.- "El diálogo judicial entre el TJUE y el TEDH: algo más que el derecho a la última palabra en el triángulo judicial europeo"[18], en AAVV, *Tribunal Constitucional y* diálogo *entre tribunales – XVII Jornadas de la Asociación de Letrados del Tribunal Constitucional,* CEDP, Madrid, 2013, pp. 161-208.

4.- "Viejos y nuevos problemas en el espacio europeo de los derechos humanos – Reflexiones a propósito de la necesario cooperación judicial efectiva entre el TJUE y el TEDH"[19], en *Libro homenaje al profesor don Manuel Pérez González, Tirant lo Blanch,* Valencia, 2012, pp. 791-820.

5.- "La protección de los derechos sociales en la Unión Europea: sobre el papel *cuasiconstitucional* del Tribunal de Justicia"[20], en Armin von Bogdandy, Héctor FixFierro, Mariela Morales Antonizzi, Eduardo Ferrer McGregor (coords.), *Construcción y papel de los derechos fundamentales – Hacia un lus constitucional commune en América Latina,* México, 2011, pp. 251-280. (también publicado en *Revista Iberoamericana de Derecho Procesal Constitucional* 2011).

6.-"Arts. 6 (derecho a la libertad y la seguridad), 7 (derecho a la vida privada y familiar), 8 (Protección de datos de carácter personal), 9 (derecho a contraer matrimonio y derecho a fundar una familia)", 10 (libertad de pensamiento, de conciencia y de religión), (Art. 11: Libertad de expresión y de información), 12 (libertad de reunión y de asociación), 13 (libertad de las artes y las ciencias), 14 (derecho a la educación), 15 (libertad profesional y derecho a trabajar),16 (libertad de empresa), 17 (derecho de propiedad), 18 (derecho de asilo), 19 (protección en caso de devolución, expulsión y extradición), 53 (nivel de protección)"[21], in Araceli MANGAS MARTIN, A. (dir.), *La Carta de derechos de la Unión Europea – Comentario artículo por artículo,* BBVA, Madrid, 2008, pp. 195-387, pp. 852-869.

b) Published in German:

«Der judizielle Dialog im gemeinsamen europäischen Rechtsraum unter besonderer Betrachtung der unendlichen Geschichte des EU-Beitritts zur EMRK»[22], in Chistian CALLIES (ed.), *Herausforderungen an Staat und Verfassung: Völkerrecht, Europarecht, Menschenrechte. Liber amicorum für Torsten Stein,* Nomos Verlagsgesellschaft, Baden-Baden, 2015, pp. 784-805.

c) Published in English:

"The advisory Function of the International Tribunal of the Law of the Sea as a Full Court and the Excessive Expansion of Its Jurisdiction"[23], en Pablo Antonio FÉRNAN DEZ (ed.), *New Approaches to the Law of the Sea- Liber Amicorum José Antonio Yturria ga,* Nova Publishing, New York, 2017, pp. 73-84.

"The question of the use of force in Spanish practice"[24]*Spanish Yearbook of International Law* 2015, vol. 19, pp. 315-328.

“The European Union and the Protection of Human Rights»[25], en GOMEZ ISA, F y DE FEYTRER, K. (eds.), *International Human Rights Law in a Global Context,2a ed.*, University of Deusto, Bilbao, 2009, pp. 777-80 l.

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16. "The EU Court of Justice as an actor of constitutionality in the European legal area: the importance of open dialogue with constitutional courts and the European Court of Human Rights".
17. The EU Court of Justice loses its way in advisory opinion 2/2013: is it still worthwhile for the EU to accede to the ECHR?".
18. "Judicial dialogue between the EU Court of Justice and the European Court of Human Rights: more than the right to have the final say in the European judicial triangle".
19. "Old and new problems in the human rights field – Reflexions on effective judicial co-operation between the EU Court of Justice and the European Court of Human Rights".
20. "The protection of social rights in the EU: à propos the quasi-constitutional role of the Court of Justice".
21. "Articles 6 (right to freedom and security), 7 (right to private and family life), 8 (protection of personal data), 9 (right to marry and found a family), 10 (freedom of thought, conscience and religion), 11 (freedom of expression and information), 12 (freedom of assembly and association), 13 (freedom of arts and sciences), 14 (right to education), 15 (professional freedom and right to employment), 17 (right to property), 18 (right to asylum), 19 (protection in the case of return to country of origin, expulsion and extradition), and 53 (level of protection)".
22. "Judicial dialogue in the European legal area focusing mainly on the never-ending tale of the EU’s accession to the European Human Rights Convention".
23. "The advisory role of the International Tribunal for the Law of the Sea as a court in plenary and the excessive expansion of its jurisdiction".
24. "The issue of the use of force in Spanish practice".
25. "The European Union and human rights protection”.

VIII. Languages

Language	Comprehension		Oral		Writing
	Listening	Reading	Taking part in a conversation	Fluency	
a. Mother tongue:					
Spanish					
b. Other languages:					
German	C2	C2	C2	C2	C2
French	C2	C2	C2	C1	C1
English	C2	C2	C1	C1	C1

IX. Confirmation of commitment to improving language skills

In the event that I am appointed as a judge at the ECHR, I formally undertake to take part, before the beginning of my period in office, in the appropriate language courses if the panel of experts considers it necessary or recommendable.

X. Other relevant information: (prizes and awards)

Cross of San Raymundo de Peñafort awarded by the Spanish Ministry of Justice (24/02/2016).

Doctor *honoris causa* of Piura University, Peru (23/07/2009).

Winner of the Francisco Landaburu Prize awarded by the Basque Council of the European Movement for the book *Federalismo supranacional: un nuevo modelo para la UE?* (9/5/2002).

Estrella de Europa Prize*,* awarded by the Municipality of Logrofio and the La Rioja Government (9/5/2007).

Decorated by the Navarra University European Studies Centre (9/5/2007).

XI. Undertaking to take up permanent residence in Strasbourg

In the event that I am appointed as a judge at the ECHR, I formally undertake to take up permanent residence in Strasbourg.

Appendix 3 – Francisco de Asís PÉREZ DE LOS COBOS ORIHUEL

CURRICULUM VITAE

I. Personal details

Name, forename: Pérez de los Cobos Orihuel, Francisco de Asís

Sex: male

Date and place of birth: Murcia, 2 January 1962

Nationality: Spanish

II. Education and academic and other qualifications

– Law Degree from Valencia University (Spain), with an Excellence in Academic Performance Award (1984).

– Law PhD from Valencia University (Spain), with a PhD thesis called "Legal employment problems of the industrial restructuring" (cum laude) (1987).

– Law PhD from Bologna University (Italy), with a PhD thesis called "Nuove tecnologie e rapporto di lavoro" (summa cum laude) (1989).

– During my doctoral years and afterwards, I enjoyed several scholarships from various institutions (Council of Europe, Italian Ministry of Foreign Affairs, Valencia Regional Government and Catalonia Regional Government), which, apart from my PhD in Italy, enabled me to stay and research in different places such as Bologna University (1987 and 1998) and Paris Dauphine University (1990 and 1991), which led to several publications as detailed in my curriculum vitae.

III. Relevant professional activities

a) Description of judicial activities

– Judge of the Spanish Constitutional Court (2011- 2017)

– President of the Spanish Constitutional Court (2013- 2017)

b) Description of non-judicial legal activities

University professor

– Senior lecturer in employment and social security law, consecutively, at Valencia University (1989-1993) and University of the Balearic Islands (1993-1994).

– Professor of employment and social security law, consecutively, at University of the Balearic Islands (1994-1997), Barcelona Autónoma University (1997-2007) and Madrid Complutense University (2007), which recently re-joined.

– Visiting Professor in charge of “Diritto comunitario del Lavoro” at Universidad degli Studi de Milán (Statale) (2004-2007).

– Visiting Professor at Anahuac University in Mexico (2009).

Research work

– As the head researcher I supervised, and as a member I formed part of, numerous research projects both in Spain and abroad, as detailed in my curriculum.

– The National Evaluation Commission on Research Activity has validated me with 5 six-year research periods (1998-2015), which are the supplement envisaged by the Spanish university to validate and certify the research work of the teaching and research staff.

– I have also supervised five doctoral theses, which were assessed by an independent board of examiners and were all awarded the highest grade.

University positions

– Secretary of the Employment Law Department at Valencia University (1990-1992).

– Dean of the Law School at the University of the Balearic Islands (1995-1997).

– Vice Dean for Cultural Extension and Third Cycle of the Law School at Barcelona Autónoma University (1998-2002).

– Director of the Employment Law Department at Madrid Complutense University (2007-2010).

Legal advice and reports

– I have drafted numerous reports in my specialities for various public institutions (the European Parliament, the Spanish Economic and Social Council, the Spanish Health Ministry, the Spanish National Consultative Commission on Collective Bargaining Agreements, the Catalan Employment Department, etc.), private institutions (the Spanish Confederation of Employers' Organisations, the Spanish State Association for Temporary Work, etc.) and individuals.

Employment arbitrator

– Arbitrator at the Spanish State Mediation and Arbitration Interconfederal Service (1998- 2011); as such, I drafted several decisions settling industrial disputes.

– Arbitrator at the Catalan Employment Tribunal (1999- 2011); as such, I drafted several decisions settling industrial disputes.

Scientific boards

– I was on the Editorial Board of the legal publication *LA LEY*, the Editorial Board of *Revista Española de Derecho del Trabajo*, the Advisory Board of *Revista Actualidad Laboral*, and the Advisory Board of *Derecho del Trabajo y de la Seguridad Social* published by Centro de Estudios Financieros.

– At present, I am on the Editorial Board of *Nueva Revista Española de Derecho del Trabajo*, the Advisory Scientific Board of *Trabajo y Derecho*, the Editorial Board of Revista de *Derecho Concursal y Paraconcursal*, the Scientific Board of *Revista Arxius de Ciencias Sociales*, the Scientific Board of the Employment Collection published by Editorial Tirant lo Blanch, the Advisory Board of *Revista Dominicana de Derecho* and the Editorial Board of *Revista brasileira de Estudios de Direito*.

IV. Activities and experience in the field of human rights

Respecting and protecting human rights has always been a constant concern in my legal research. Since my PhD thesis in Italy, where I dealt with the problems that would arise for workers' right to privacy as a result of the widespread use of computers at work, and until my latest work where I study the right of individual petition to the European Court of Human Rights, through the books that I have directed on the right to strike, freedom of trade union and free enterprise, and my studies on EU law and on the exercise and limits of human rights at the workplace, I have always paid close and intense attention to this issue. I have also focused on the hermeneutic problems arising from resolving conflicts between human rights.

Such theoretical thinking, which covers my scientific work, has been very useful in my career as a constitutional judge, especially when resolving appeals for legal protection at the Constitutional Court. As a constitutional judge, I have participated in 315 decisions issued for protection, where I was the reporting judge at 45 of them. Consequently, I have dealt with and decided on numerous issues where the Court was required to protect a fundamental right or public freedom and to resolve interesting conflicts between fundamental rights, considering conflicting ones and ensuring the full effectiveness of all of them.

In that task of weighting all the interests involved, the use of case law from the European Court of Human Rights has been constant (the Rome Convention was expressly cited in 98 of the aforementioned decisions) since, in addition to the authority of the highest court, we are required to do this in accordance with the opening clause of article 10.2 of the Spanish Constitution, according to which the fundamental rights acknowledged in that Constitution must be construed in accordance with the international treaties and agreements ratified by Spain on those issues. Reinforcing that use and safeguarding the principle of "res interpretata" have been a constant purpose in my activity as President of the Spanish Constitutional Court. At several international forums, I have also had the opportunity to reinforce the beneficial influence of the Strasbourg court's case law for developing the Spanish democratic system and the Spanish constitutional doctrine.

As a magistrate, President of the Spanish Constitutional Court and Permanent Secretary to the Ibero-American Conference on Constitutional Justice, I have participated in numerous meetings, work visits and seminars with the main European constitutional courts (European congresses on constitutional courts, bilateral seminars with the German, French and Austrian Constitutional Court, trilateral annual meetings with the Italian, Portuguese and Spanish Constitutional Courts) and Latin American courts (Ibero-American Conference on Constitutional Justice and bilateral meetings with the Chilean, Colombian, Peruvian and other Constitutional Courts) as well as in meetings with the Venice Commission and several seminars organised by the European Court of Human Rights or where the latter participated actively. All of this has enabled me to have an in-depth knowledge of the human rights protection system in Europe and Latin America and of the uniqueness of the various constitutional courts and their fundamental rights protection mechanisms.

V. Public activities

– Advisor to the Economic and Social Council of the Kingdom of Spain, in the expert sub-group (1996-2006); this tripartite institution provides advice on economic and social matters to the Spanish government. At this institution, I chaired the Commission in charge of drafting the annual report on the country's economic and employment situation.

– Member of the Committee of Experts on the Application of Conventions and Recommendations of the International Labour Organization (2012-2013), which ensures the implementation of the Conventions and Recommendations of the ILO in the world and drafts an annual report on this.

– Permanent Secretary to the Ibero-American Conference on Constitutional Justice (2012-2016), fostering, mainly by organising congresses and seminars, the relationship between the Latin American constitutional courts, the development of a constitutional culture and the respect for human rights and the rule of law.

VI. Publications and other works

I have written in more than 150 varied legal publications (see the detailed curriculum), including five monographs and several extensive comments to the main Spanish employment laws, which I supervised and where I am the co- author.

Francisco Pérez de los Cobos Orihuel, *Nuevas tecnologías y relación de trabajo* (New technologies and employment relationship), published by Ed. Tirant lo Blanch 1990,

Francisco Pérez de los Cobos Orihuel, *El derecho social comunitario en el Tratado de la Unión Europea* (EU social law in the Treaty of the European Union), published by Ed. Civitas, Madrid 1994.

Francisco Pérez de los Cobos Orihuel, *La aplicación de la Directiva 93/104/CEE al Personal Estatutario de la Seguridad Social* (The application of Directive 93/104/EEC to the Social Security staff governed by the workers' statute), published by Ed. Tirant lo Blanch, Valencia 2002.

Francisco Pérez de los Cobos Orihuel (in collaboration with J. Thibault Aranda), *El teletrabajo en España* (Teleworking in Spain), published by Ed. Ministerio de Trabajo y Asuntos Sociales, Madrid 2001.

Francisco Pérez de los Cobos Orihuel (direction and co-authorship),

Libertad de empresa y relaciones laborales (Free enterprise and employment relations), published by Ed. Instituto de Estudios Económicos, Madrid 2005.

Francisco Pérez de los Cobos Orihuel (direction and co-authorship), *Comentarios a la Ley Orgánica de Libertad Sindical* (Comments to the Constitutional Act on Freedom of Trade Union), published by Ed. LA LEY, Madrid 2010.

Francisco Pérez de los Cobos Orihuel, “La Carta de los derechos Fundamentales de la Unión Europea” (The Charter of Fundamental Rights of the European Union), in J. García Murcia (coord.), *La dimensión social de la Unión Europea a partir del Tratado de Lisboa* (The social dimension of the European Union since the Treaty of Lisbon), published by Ed. Consejería de Industria y Empleo, Oviedo 2011.

Francisco Pérez de los Cobos Orihuel, “La interpretación de la Constitución” (The interpretation of the Constitution), in Nueva Revista Española de Derecho del Trabajo; number 169, 2014.

Francisco Pérez de los Cobos Orihuel, “La influencia en España del Convenio Europeo de Derechos Humanos y los problemas de la tutela multinivel de los derechos fundamentales” (The influence in Spain of the European Convention on Human Rights and the multilevel protection of the fundamental rights), in I. Diez Picazo and J. Vegas Torres (coordinators), *Derecho, Justicia, Universidad. Liber amicorum de Andrés de la Oliva Santos,* published by Editorial Universitaria Ramón Areces, Madrid 2016

Francisco Pérez de los Cobos Orihuel, *Protección Jurídica de los particulares ante las más altas jurisdicciones: El Tribunal Europeo de Derechos Humanos* (Legal protection of individuals at the highest jurisdictions: The European Court of Human Rights), published by Ed. European Parliamentary Research Service (in press), in English, French, German and Spanish, 2017

VII. Languages

Language	Reading			Writing			Speaking		
	Very good	Good	Fair	Very good	Good	Fair	Very good	Good	Fair
a) First language: Spanish	X			X			X		
b) Official languages: - English		X			X			X	
- French	X			X			X		
c) Other languages: - Italian	X				X		X		

VIII. Official language

Although my level of English meets the required standards, should I need to follow intensive language classes to carry out my tasks as a judge on the European Court of Human Rights, I undertake to follow them in order to discharge my duties as required in such position.

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

In the event that I am designated for the post of judge on the European Court of Human Rights, I formally state the commitment to take up residence in Strasbourg and reside there permanently during my mandate.