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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 Sweden

Communication
Secretary General of the Parliamentary Assembly

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

Letter from Mr Torbjörn Haak, Ambassador of Sweden to the Council of Europe, to Mr Wojciech Sawicki, Secretary General of the Parliamentary Assembly, dated 2 October 2018.

[…]

With reference to your letter, dated 19 February 2018, I am pleased to inform you that the Government of Sweden has decided to nominate Mr Thomas Bull, Mrs Katarina Påhlsson and Mr Erik Wennerström, in alphabetical order, as candidates for the election as Judge to the European Court of Human Rights.

The Government's decision, dated 30 August 2018, was based on the proposal of the Judges Proposals Board of Sweden, the agency responsible for evaluation of candidates for posts as judges. Please find enclosed the curricula vitae of the candidates and a description of the procedure by which the candidates were selected.

[…]

2. Procedure for the nomination of candidates to the office of Judge of European Court of Human Rights

1. Applicable legislation

The appointments of judges to the national courts in Sweden are made by the Government after a proposal from an Advisory Board, called the Judges Proposals Board (in Swedish Domarnämnden), on suitable candidates.

The Judges Proposals Board consists of nine members. Five of the members shall be or have been permanent judges and two of the members shall be lawyers active outside the judiciary. One of these lawyers must also be an attorney who is a member of the Swedish Bar Association. The other two members shall represent the public.

A new Act (2014:414) regarding the procedure for selection of candidates to nominate for positions at the Court of Justice of the European Union (EU) and the European Court of Human Rights was adopted and entered into force on 1 September 2014 ([Lagen (2014:414]) om nomineringar till Europeiska unionens domstol och Europeiska domstolen för de mänskliga rättigheterna). The Act (2014:414) is closely linked to the legislation for the appointment of national judges and refers to that legislation with some minor exemptions and additional rules.

For the text in Swedish of the Act (2014:414), see Annex 1. The content can in English be briefly summarised as follows:

In the first article (1 §) it is stated that the Act applies to the preparatory proceedings regarding the nomination of Judges and Advocates-General of the Court of Justice of the European Union and of Judges of the European Court of Human Rights.

According to the first paragraph of the second article (2 § 1 par.), such matters shall be prepared under the Act (2010:1390) on the appointment of permanent judges. This means, which follows from the Act (2010:1390), that the Judges Proposals Board is responsible for the preparatory proceedings and for proposing suitable candidates to the Government.

Finally, in the first paragraph of article four (4 § 1 par.) it is stated that the Government shall appoint a person with special knowledge about the work of the Court in question who shall attend and be given the opportunity to state an opinion in the Judges Proposals Board.

2. The preparation of the file by the Judges Proposals Board

In preparing the Judges Proposals Board’s proposal of Mr Thomas Bull, Mrs Katarina Påhlsson and Mr Erik Wennerström, the Act (2014:414) was applied.

As mentioned above, the first paragraph of article four (4 § 1 par.) in Act (2014:414) requires the Government to appoint a person with special knowledge about the work of the Court in question who shall attend and be heard in the Judges Proposals Board. Due to her special knowledge about the work of the European Court of Human Rights, former Judge Mrs Elisabet Fura was appointed as such an expert and participated in this capacity in the preparation of the file by the Judges Proposals Board.

The procedure under the Judges Proposals Board involved the following measures.

2.1 Advertisement to announce the vacancy

A statement of required qualifications was drawn up by the office of the Judges Proposals Board after consultation with the Ministry for Foreign Affairs and with reference to the European Convention on Human Rights, the Resolutions made by the Parliamentary Assembly and the Guidelines of the Committee of Ministers. The statement of qualifications was to form the basis of the selection of suitable candidates and be added to the dossier. For the text of the Statement of required qualifications in Swedish, see Annex 2.

An advertisement announcing the possibility of seeking to become the Government's candidates to the office of Judge at the European Court of Human Rights was published on the homepage of the Judges Proposals Board; www.domarnamnden.se. The advertisement listed the requirements for holding the office of Judge at the European Court of Human Rights as set out in the statement of required qualifications. Persons meeting these requirements were invited within a period of about one month to submit an application declaring their interest in being nominated for the position. For the text of the advertisement in Swedish, see Annex 3.

The advertisement was also published in two major daily newspapers – Svenska Dagbladet and Dagens Nyheter. Moreover, the advertisement was published on the websites advokaten.se and dagensjuridik.se, two major legal websites. An advertisement was also published at the intranet of the Swedish courts, accessible for all persons working at the Swedish courts.

Five persons applied for nomination. One of the applicants later withdrew his application.

2.2 Obtaining references on the candidates

After the time limit for declaring interest in being nominated for the position had expired, the Judges Proposals Board obtained written references about the applicants. The references were obtained from the persons who the applicants had mentioned in their applications.

2.3 The Interview Procedure

At its meeting on 7 June 2018 the Judges Proposals Board assessed the qualifications of the applicants and decided to call Mr Thomas Bull, Mrs Katarina Påhlsson and Mr Erik Wennerström to interviews. According to the Board's preliminary assessment, they were the applicants who fulfilled the required qualifications for the office of Judge of the European Court of Human Rights.

The interviews were held on 12 June 2018 and were conducted by Mrs Marianne Lundius, former Justice of the Supreme Court, and Mrs Elisabet Fura, former Judge of the European Court of Human Rights. Present at the interviews were also Mrs Karin Sandahl, Administrative Director of the Judges Proposals Board, and Ms Linnea Andersson, reporting clerk at the Board.

2.4. The proposal on suitable candidates by the Judges Proposals Board

At its meeting on 15 August 2018 the Judges Proposals Board finalised its management of the matter by deciding to propose Thomas Bull, Katarina Påhlsson and Erik Wennerström as suitable for the office of Judge of the European Court of Human Rights.

Before the decision was made the applicants who had been interviewed made a short presentation about themselves before the Board.

As grounds for the decision the Judges Proposals Board stated that Mr Thomas Bull, Mrs Katarina Påhlsson and Mr Erik Wennerström are exceptionally skilled lawyers with solid experience of highly qualified legal work. According to the Judges Proposals Board they fulfil the exceptionally high qualifications required for the office of Judge of the European Court of Human Rights.

After the decision was made the Judges Proposals Board submitted the proposal to the Ministry for Foreign Affairs.

ANNEXES

Annex 1

Text of Lagen (2014:414) om nomineringar till Europeiska unionens domstol och Europeiska domstolen för de mänskliga rättigheterna

Annex 2

Statement of required qualifications for the selection of candidates

Annex 3

Text of the advertisement of the possibility of being the Government's candidate to the office of European Court of Human Rights

Annex 1

Lag (2014:414) om nomineringar till Europeiska unionens domstol och Europeiska domstolen för de mänskliga rättigheterna

1 § Denna lag gäller för beredningen av ärenden om nominering av domare och generaladvokater i Europeiska unionens domstol och av domare i Europeiska domstolen för de mänskliga rättigheterna.

2 § Ärenden enligt 1 § ska beredas enligt lagen (2010:1390) om utnämning av ordinarie domare.

Bestämmelsen i 8 § i den lagen ska dock inte tillämpas.

3 § Om en domare som tjänstgör vid Europeiska unionens domstol ställer sig till förfogande för fortsatt tjänstgöring, får han eller hon nomineras utan att ärendet har beretts enligt 2 §.

4 § Regeringen ska utse en person med särskilda kunskaper om arbetet i den domstol ärendet avser som ska närvara och få yttra sig i Domarnämnden.

Regeringen får överlåta åt Regeringskansliet att utse den person som avses i första stycket.

Annex 2

Kravprofil, nominering av domare till Europeiska domstolen för de mänskliga rättigheterna

En kandidat till tjänsten som domare i domstolen bör tillhöra landets främsta jurister och svara mot synnerligen högt ställda krav vad avser juridiska kunskaper, analysförmåga, förmåga att uttrycka sig i tal och skrift, omdöme och självständighet.

Domstolens domare ska vara moraliskt oförvitliga och ska antingen uppfylla de villkor som krävs för utnämning till högre domarbefattningar eller vara rättslärda med erkänd kompetens. Domarna ska tjänstgöra i sin personliga egenskap.

Under sin mandattid får domarna inte åta sig uppdrag som är oförenliga med deras oavhängighet och opartiskhet eller med de krav som ett heltidsämbete ställer.

Vid bedömningen av en kandidats lämplighet fästs särskild vikt vid följande färdigheter och erfarenheter.

• Juridiska kunskaper

Breda och gedigna kunskaper i svensk rätt och folkrätt, särskilt i mänskliga rättigheter.

• Yrkeserfarenhet

Lång erfarenhet av högt kvalificerat juridiskt arbete. Erfarenheter från olika juridiska yrkesfält beaktas t.ex. från domstolar, lagstiftningsverksamhet, den akademiska världen och advokat- eller åklagarverksamhet. Erfarenhet av domaryrket är särskilt meriterande. Även chefserfarenhet och erfarenhet av att leda personal kan tillmätas betydelse.

• Språkkunskaper

Förmåga till kommunikation på andra språk än svenska. Ett av Europarådets två officiella språk (engelska och franska) ska behärskas mycket väl i både tal och skrift. Därutöver ska goda kunskaper, särskilt hörförståelse, innehas i det andra språket.

• Förmåga och vilja att arbeta i en internationell miljö där flera rättstraditioner finns representerade

Utvecklad social förmåga och förmåga att driva en egen uppfattning, förmåga att skapa nätverk samt ambition att inneha en ledande befattning (domstolens ordförande, vice ordföranden samt ordföranden för domstolens avdelningar väljs av domstolens ledamöter). Förmåga och intresse av att arbeta med organisatoriska frågor. Erfarenhet från relevant arbete inom internationella organisationer kan vara meriterande.

Domarna väljs för en period om nio år. Mandattiden upphör när domarna uppnår 70 års ålder. Kandidaten bör kunna inneha ämbetet åtminstone under halva mandatperioden om nio år innan han eller hon uppnår 70 års ålder.

Appendix 1 – Thomas BULL

CURRICULUM VITAE[1]

I. Personal details

Name, forename: Bull, Thomas

Sex: Male

Date and place of birth: Born in 1965, Tveta, Sweden

Nationality: Swedish

II. Education and academic and other qualifications

– 1992 – Master of Laws
– 1997 – Doctor of Public Law
– 2000 – Senior lecturer (docent) of public law
– 2008 – Professor of constitutional law
– 2013 – Justice of the Supreme Administrative Court of Sweden

III. Relevant professional activities

a. Description of judicial activities

– In 1992 – I took up work as a law clerk at the regional Administrative court in Stockholm and served there for less than a year
– In 2010 – I served for six months in the Administrative Court of Appeal of Stockholm as a judge
– In 2013 – I was appointed Judge of the Supreme Administrative Court of Sweden

b. Description of non-judicial legal activities

– Accepted for the doctoral program at the Faculty of Law, Uppsala University in 1992.
– During 1992-1997 – I was a doctoral candidate working with my thesis while also teaching introductionary courses of Swedish law and the basic course on constitutional law.
– Graduated in 1997 as doctor of public law on the thesis “Mötes- och demonstrationsfriheten – en statsrättslig studie av mötes- och demonstrationsfrihetens gränser och innehåll i Sverige, Tyskland och USA” (The Freedom of Assembly – a constitutional study of limits and content in Sweden, Germany and the USA). The thesis was rewarded with the prize “von Materns premium” by the Faculty of Law in 1998.
– Between the years 1997–1999 – I was active at the Faculty as a teacher hired on a yearly basis. In 1999 I received a position as a full member of the Faculty and in 2000 I was deemed competent as a senior lecturer (docent).
– During 1999–2008 – I took active part in developing the courses on constitutional law at the Faculty both on the basic level and the advanced level. I was responsible for the courses during most of that period and for a team of five to ten teachers involved with them. I held most lectures in the field and graded around 300 exams per year. At the same time I was involved in a major public inquiry into the Swedish system for protection of freedom of speech (see report SOU 2006:96).
– Awarded prize for “Best teacher of the year” at the Uppsala Faculty of Law in 2001 and in 2007.
– Received the “Pedagogical prize” of Uppsala University in 2008.

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

– Appointed professor of constitutional law at the Faculty of Law in Uppsala in 2008.

– Since then until today I have held a number of positions in legislative committees in the field of public law and constitutional law. (See i.e. reports SOU 2008:42, SOU 2009:29 SOU 2010:68 SOU 2011:17, SOU 2016:58.)

c. Description of non-legal professional activities

– During my studies, I served as a course-administrator at the Department of Law for three semesters.

– Deputy Head of the Department of Law at Uppsala University 2001-2002.

– Member of the group of legal professionals doing the Swedish Agency for Higher Education's evaluation of legal education in Sweden in 2007 and again in 2011.

– Head of the Uppsala University project "Creative Educational Development", Cred 2010-2012 (report available at http://uu.diva-portal.org/smash/record.jsf?searchId=1&pid=diva2%3A663621&dswid=-3818).

– President of the Research Board at the Faculty of Law at Uppsala University 2011-2012.

– Appointed special investigator of the Swedish Transport Agency's outsourcing activities in 2015, by the Government for the period September 2017- February 2018 (see report Ds 2018:6).

IV. Activities and experience in the field of human rights

– Extensive teaching and research in the area of human rights law from 1992 until today, see the list of publications below and the full list in the Swedish version.

– Judging in the Supreme Administrative Court frequently involves issues of human rights in different contexts. Experience since 2013.

– Continuous participation in national and international conferences on the topic of human and constitutional rights, sometimes as a representative of my court and sometimes as an academic. Most recently at the Swedish Network for European Legal Studies conference «Freedom *to* and Freedom *from* Religion: the Rule of Law in the European Democratic State" in Stockholm, April 2018.

– Member of the board of the Swedish Section of the International Commission of Jurists 2003-2006.

– Member of OSCE/ODIHR Panel of Experts on the Freedom of Assembly 2007 – 2011 (see the report Guidelines on Freedom of Peaceful Assembly, 2010).

– **Member of the Board of the foundation "Friends of the Rule of Law"** since 2011 (Stiftelsen Rättsstatens Vänner, see www.rattsstatensvanner.se).

– **Member of Judging Panel for ELSA Moot Court Competition in Uppsala yearly from 2013.**

V. Public activities

a. Public office

– **Member of the governing board of the Swedish Election Authority**

– **Member of the Scientific Review Board of the Swedish Agency for Public Management**

b. Elected posts

– **President of the Election review board of the Swedish Church**

– **Member of the Swedish Bar Associations Examination Board**

– **President of the Swedish Section of the Nordic Association for Administration (Nordiska Administrativa Förbundet)**

– **Member the Board for the Uppsala University Faculty of Law Alumni Association**

c. Posts held in a political party or movement

None

VI. Publications and other works

Author to around 90 books, chapters in books and articles in legal journals, for a full list see the appendix to the application in Swedish. Here I will list my doctoral thesis and some texts in English.

– Mötes- och demonstrationsfriheten – en statsrättslig studie av mötes- och demonstrationsfrihetens gränser och innehåll i Sverige, Tyskland och USA (The Freedom of Assembly – a constitutional study of content and limits in Sweden, Germany and the USA), dissertaton, Iustus Förlag, 1997

– Blowing in the Wind? Swedish Protection of Whistle-blowers in the Public Sector, Scandinavian Studies in Law 52 – Constitutional Law, 2007, s. 65 – 78

– Freedom of Expression and the Limits of Tolerance: A Swedish Saga, in: de Lege 2009, s. 101 – 128.

– Freedom of Expression in Sweden – the Rule of Formalism, in: Kierulf/Rönning (eds.) Freedom of Speech Abridged?, Nordicom 2009, s. 79 – 92

– The Right Stuff? On the transformation of the protection of rights, in: Amtenbrink/van den Berg (eds.) The Constitutional Integrity of the European Union, 2010, s. 175 – 200

– Judges without Courts – judicial preview the Swedish way, in: Campbell et al (eds.) The Legal Protection of Human Rights – Skeptical Essays, Oxford UP, 2011

– Sanctions Against Terrorism and their impact on Freedom of Speech, in: Cameron (ed.), EU Sanctions: Law and Policy Issues Concerning Restrictive Measures (2013), s.161 – 176

– Ancient and modern: access to information and constitutional governance (with Hugh Corder), in: Tushnet (ed.) Routledge Handbook of Constitutional Law, 2013 p. 219 – 230

– Constitutional Identity – A view from Sweden, Rettfaerd 2014 nr 4 s. 10 – 23

– Legislative Review for Human Rights Compatibility: A View from Sweden (with Iain Cameron) in: Parliaments and Human Rights, Hunt, Hooper and Yowell (eds.), 2015, s. 279 – 294

VII. Languages

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

VIII. 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 do not have “fair” or better proficiency in French at the moment, but is ready follow intensive language courses in preparation for work at the Court, as well as training in the beginning of my term if I were to be elected. Considering that work at the Court means living in France for 9 years, this is of course a necessary measure also for other reasons than being able to participate in the Courts daily work.

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

I will take up permanent residence in Strasbourg, should I be elected.

Appendix 2 – Katarina PÅHLSSON

CURRICULUM VITAE

I. Personal details

Name, forename: Påhlsson, Katarina

Sex: Female

Date and place of birth: 11 September 1961, Gothenburg, Sweden

Nationality: Swedish

II. Education and academic and other qualifications

– 13 June 1988 – LL.M, Lund University

– 7 June 1983 – Swedish (one semester), Gothenburg University

– 19 January 1981 – History (one semester), Gothenburg University

– 15 May 2010 – Islam of today, Halmstad University

– From 2006 and onwards, different management trainings given by the Judicial Training Academy and private trainers

III. Relevant professional activities

a. Description of judicial activities

– 19 January 2015 – Senior Judge of Appeal, Head of Division, Svea hovrätt, Stockholm.

The assignments consist of, i. a., to be the presiding judge in cases, to lead and direct work at the division including to maintain responsibility for and follow up on the operating targets and to be responsible for the legal staff and the head of court clerks, and further, to be part of the management team of the Court of Appeal. Close to 30 people work at the division, i.e. judges, legal clerks and court clerks. The cases dealt with are mainly criminal and civil cases.

– 1 Aug. 2010–18 Jan. 2015 – Senior Judge of Appeal, Head of Division, Hovrätten för Västra Sverige, Gothenburg.

See above, although the number of staff was appr. 25.

– 1 Dec. 2006–31 July 2010 – Senior Judge, Head of Division, Göteborgs City Court, Gothenburg.

The division dealt only with criminal cases and the procedural rules for quorum are different from that of a Court of Appeal. The number of staff was appr. 35, and I was responsible for the whole staff in the division. Apart from these differences, please see above for a general description of the work and main duties.

– 19 July 2001–30 Nov. 2006 – Judge (permanent judge as of Oct. 2001) at a division dealing only with criminal cases, Göteborgs City Court, Gothenburg. The duties and tasks should be self-explanatory.

– 1 Aug. 1998–18 July 2001 – Principal secretary, Sexualbrotten Ett ökat skydd för den sexuella integriteten och angränsande frågor (SOU 2001:14). The primary task of this cross-party criminal law committee was to review all provisions on sexual crime in the Swedish Penal Code, but also to suggest new provisions re. trafficking for sexual purposes and examine some aspects of the principle of double punishment.

– 1 June 1996–13 Jan. 1998 – Inquiry secretary, Alkoholreklam (SOU 1998:8). The primary task for this government inquiry (committee) was to carry out a study of Swedish regulations re. marketing of alcohol and its compliance with the law of the European Union and to suggest alterations.

– June 1991–June 1996 – Admitted for the four year training of judges, initially as a legal clerk at the Svea Court of Appeal, a junior judge at Handen District Court, and finally an associate judge at the Court of Appeal for Western Sweden. (I had my first daughter during this period.)

– 1 Nov. 1988–May 1991 – Law clerk at Huddinge City Court.

b. Description of non-judicial legal activities

– 1 April 2011–1 June 2013 – Expert in a criminal law reform government committee Straffrättsanvändningsutredningen, Vad bör straffas? (SOU 2013:38)

c. Description of non-legal professional activities

– 1 July 2017– Deputy Chairman of the Press Council (PON), an independent self-disciplinary body, deciding on complaints on the editorial contents of newspapers, magazines and their web-sites. Obviously, the work contains some legal issues as well and the chairmen are all qualified Judges and Justices.

IV. Activities and experience in the field of human rights

– Sept. 1987–April 1988 – Seven months stage at the General Legal advice Unit of the Division of refugee law with the United Nations High Commissioner for Refugees, Geneva.

– 1988–mid 1990s – Member and active in the work of the Swedish section of the International Commission of Jurists (ICJ), including being on the board for a couple of years and, with some colleagues, responsible for a legal aid project in South Africa.

V. Other activities

– Sept. 2017 – Lecturer and responsible for a one-day Judicial Training Academy course for judges re. procedural codes, in particular concerning evidence

– 1 Aug. 2015 – Member of the Swedish Courts judicial expert group for international assignments and missions

– 2005 – Member of the Swedish Courts Media group

VI. Languages

Language	Reading			Writing			Speaking		
	very good	Good	fair	very good	Good	fair	very good	good	Fair
***a*. First language:**									
– Swedish	Yes			Yes			Yes		
***b*. Official languages:**									
– English	Yes			Yes			Yes		
– French			Some			No			No

VII. 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.

Yes. I took French two years during my senior high school, evidently I would have to follow intensive language classes in French.

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

Yes.

Appendix 3 – Erik WENNERSTRÖM

CURRICULUM VITAE[2]

I. Personal details

Name, forename: Wennerström, Erik

Sex: Male

Date and place of birth: 25 August 1962, Västanfors, Sweden

Nationality: Swedish

II. Education and academic and other qualifications

Over the past 20 years I have been engaged in research and education at the universities of Uppsala, Stockholm and Umeå in Sweden. I have also lectured at several universities in Europe on human rights and the rule of law in a European or international context, as well as on cyber security and the protection of privacy in the digital arena. Qualifications relevant for this candidature are:

– 2012 – Certificate, qualified PhD Supervisor, University of Copenhagen

– 2007 – Doctor of Laws; international law, EU law and legal jurisprudence, Uppsala University

– 1998 – Training in WTO Dispute Resolution, Europäische Rechtsakademie

– 1991 – Diplomatic Training, Ministry for Foreign Affairs

– 1988 – Master of Laws, Uppsala University

III. Relevant professional activities

a. Judicial activities

Positions held prior to 2012 have included the resolution or the management of the resolution of disputes, mainly between parties that are states or international entities. The posts with the strongest links to the judiciary are:

– 2007–2012 – Member of the governing assembly of the International Criminal Court (ICC)

Administrative and budgetary responsibilities. Negotiated amendments to the Rome Statute, including the crime of aggression and extension of the court's jurisdiction, at and ahead of the Review Conference 2010. Member of the corresponding coordination body for EU member States; its president in 2009.

– 2007–2012 – Principal Legal Adviser on International Law, Ministry for Foreign Affairs

Providing advice to foreign minister and government services in advance of as well as during negotiations, sometimes leading such negotiations, on topics ranging from treaty negotiation to the resolution of disputes over or involving international law matters where Sweden was a party, a third party or a mediator. See also under IV.

– 2005–2007 – Director, Head of International Law Enforcement Affairs, Ministry of Justice & Interior

Bilateral and multilateral responsibilities for co-operation forming the basis of judicial co-operation. See also under b).

– 1996–2000 – European Commission official responsible for judicial cooperation in criminal matters.

Commission representative in the establishment of the European Judicial Network, and in the scrutiny of Candidate Countries' capacity for participating in judicial co-operation under different instruments, while meeting the Copenhagen criteria (incl. human rights). See also under b).

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

b. Non-judicial legal activities

All positions held since 1990 have included the capacity of jurisconsult (2007 – 2012 exclusively):

– **2012 – Director-General, National Council for Crime Prevention, Ministry of Justice, Sweden**

As head of this government agency, responsible for crime statistics and research for the benefit of the government and the judicial system, I have forged a standing trilateral co-operation system with the National Police and the National Prosecution Service in which the three heads of service identify common challenges in the investigation and prosecution of crimes, and ways to meet the challenges based on the empirical evidence of my agency and the relevant legal perimeters. See also under IV.

– 2007–2012 – Principal Legal Adviser on International Law, Ministry for Foreign Affairs, Sweden. See under a) and IV.

– 2005–2007 – Director, Head of International Law Enforcement Affairs, Ministry of Justice & Interior. Responsible for Sweden's participation in EU and international law enforcement (bilateral, EUROPOL, INTERPOL) operations, and for supervising national authorities conducting such operations, legislative processes improving conditions for police co-operation, as well as development of conditions for Sweden's participation in crisis management and peace operations (EU and UN).

– 2005 – Adviser on EU accession, justice and home affairs. Acting as adviser, within a bilateral project between Croatia and Sweden regarding the former's EU accession strategy, on the justice and home affairs sections of the project.

– 2004–2005 – Director for EU Affairs and Principal Legal Adviser, Folke Bernadotte Academy. Created legal framework for operation of this new government agency under MFA for crisis management training and coordination. Successfully negotiated its first EU-funding and created its training programme for judges from post-conflict jurisdictions. See also under IV.

– 2001 – Adviser on EU accession, justice and home affairs. Acting as adviser, within a bilateral project between Latvia and Sweden regarding the former's EU accession strategy, on the justice and home affairs sections of the project.

– 2000–2004 – Director for International Relations and EU-Affairs, Ministry of Justice. In charge of policy development and EU Presidency leadership for the Ministry of Justice. Managing, advising and negotiating EU cooperation in justice and home affairs.

– 1996–2000 – Administrator, DG Justice and Home Affairs, European Commission, Brussels. Drafting of legislation in compliance with the human rights obligations of the EU and its member States, as well as the screening of Candidate States to the EU in light of their performance with regard to rule of law and the capacity for judicial co-operation. See also under IV.

– 1994–1996 – Head of Consular Section, Political Affairs Officer, Swedish Embassy, Kuala Lumpur. Responsible for the protection of consular rights of Swedish citizens as well as for monitoring the human rights situation in the host country, including liaison with UNHCR concerning remaining camps with Vietnamese boat refugees.

– 1991–1994 – Political & Legal Affairs Officer, Permanent Mission of Sweden, Geneva. Responsibilities focused on the respect for international humanitarian law and refugee law in times of war (first Gulf War and the early Balkan Wars).

– 1990–1991 – 1st Secretary Ministry for Foreign Affairs, Department for International Law. Diplomatic training.

– 1987–1990 – University lecturer at law (law of government), University of Uppsala, Sweden. Lectures, seminars and development of course literature.

IV. Activities and experience in the field of human rights

The following positions and activities have included specific responsibilities with regard to human rights:

– **2017 – Management Board Member, EU Fundamental Rights Agency, Vienna**

Providing guidance to the Director of the FRA, defining the agency's work priorities, approving its budget and monitoring its work, including the annual Fundamental Rights Report. Elected President of the Board's budget committee. Informing relevant Swedish actors of FRA and its activities.

– 2015–2016 – Expert in research project commissioned by the European Parliamentary Research Service. Drafting proposals to the European Parliamentary Research Service study "An EU mechanism on democracy, the rule of law and fundamental rights" (PE 579.328)

– **2012 – Director-General, National Council for Crime Prevention.** Since 2012 transforming the production of the National Council (a government agency responsible for crime statistics and research for the benefit of the government and the judicial system) so that it now produces, i.a., statistics on hate motives behind and gender aspects of reported crime, and its research includes evaluations of the effects of reform measures in criminal law, not only from a perspective of efficiency, but also from a rights perspective.

– 2010–2013 – Observer of the Council of Europe Committee of Legal Advisers on Public International Law (CAHDI) to the negotiations on EU accession to the European Convention for Human Rights, within the formats CDDH-UE and 47+1. As the elected CAHDI observer to the negotiations for EU accession to the ECHR, important insights were acquired into the Court's procedures and working methods, as well as its challenges and possibilities, but above all the future challenges once accession takes place.

– 2008–2017 – Instructor on issues of international, humanitarian and human rights law. Since the launch of the EU Monitoring Mission in Georgia (EUMM Georgia) in 2008, I have provided monitors with their legal introduction to the mission, prior to their deployment.

– 2007–2012 – Principal Legal Adviser on International Law, Ministry for Foreign Affairs, Sweden. Providing guidance on international law and human rights dimensions of various foreign policy matters of relevance to Sweden and the EU, including the war on terrorism, the status of Kosovo, the war in Georgia and the intervention in Libya. Negotiated (in 2008) the "Montreux document on pertinent international legal obligations and good practices for States related to operations of private military and security companies during armed conflict" in the aftermath of the Blackwater affair, underlining the non-derogable nature of certain rights. Negotiated the EU legal framework of the Human Rights Review Panel (2009) for alleged human rights violations by EULEX Kosovo. Negotiated, in conjunction with the sessions of the United Nations General Assembly Sixth Committee, the inclusion of references to the status of the rule of law in domestic affairs in the annual resolution on "The rule of law at the national and international levels" (starting with A/RES/63/128)

– 2004–2005 – Director for EU Affairs and Principal Legal Adviser, Folke Bernadotte Academy. While serving with the Folke Bernadotte Academy (a government agency for international crisis operations) I constructed and conducted training in i.a. human rights for missions being deployed to the Western Balkans and Iraq, notably on international law related to violations of human rights in times of war or emergency, training modules that were used by several European training institutions.

– 1998–1999 – Drafting the European Commission Communication *Crime victims in the European Union. Reflexions on standards and action* (COM (99) 349 final, 14 July 1999), which takes the first steps in integrating references to Council of Europe recommendations and United Nations resolutions into the emerging *acquis*, and in presenting the protection of crime victims as a right and conversely: an obligation under EU law, leading to the 2001/220/JHA: Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings (replaced 2012 by the Crime Victims Directive 2012/29/EU).

– 1996–2009 – Assignments from the European Commission and its office for technical assistance and exchange (TAIEX) as expert and instructor regarding legislative projects and processes in Candidate and member States in Europe, as part of EU strategies for implementing the Copenhagen criteria. The legislative projects and processes concerned judicial co-operation, the interface between national criminal law and EU law, the rule of law as a standard for legislation and government, as well as fighting crime in a digital environment.

– 1996–2000 – Executive Secretary of the EC GROTIUS Programme (a subvention programme supporting projects in EU Member States, promoting judicial co-operation and mutual knowledge of the respective legal systems; ref. 96/636/JHA of 28 October 1996). Over the four years, more than a hundred different projects were initiated that purported to strengthen judicial co-operation in Europe with full compliance with human rights. Some projects – such as the European Judicial Network meeting series, and the EUROJUST conferences – in time led to the establishment of EU institutions, while other projects – such as the Eurobail proposal, eJustice – influenced future EU legislative proposals.

V. Public activities

a. Public office

– **2018 – Advisory Board Member, Swedish Gender Equality Agency**

– **2017 – Management Board Member, EU Fundamental Rights Agency, Vienna**

– **2015 – Council Member, Scandinavian Research Council for Criminology**

– 2013–2015 – Chairman of Government Commission on Cyber Security. Presented legislative proposal on strategic measures for increased cyber security (SOU 2015:23) and for receiving public emergency announcements via mobile telephony (SOU 2014:92).

– **2012 – Board Member, International Advisory Board for Evidence Based Policing/Police Executive Programme, Cambridge University**

– **2012 – Board Member, International Advisory Board of the European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI), Helsinki**

– **2012 – Board Member, Stockholm Prize in Criminology Foundation**

– 2012–2016 – Advisory Board Member of the Folke Bernadotte Academy, Sweden

– 2009 – Chairman of EU Council body on International Law/International Criminal Court (ICC)

– 2010–2012 – Expert in Government Commission. Drafted legislative proposals on the mobilization of international resources for emergency operations in Sweden (SOU 2012:29)

– 2009 – Expert in Government Commission. Drafted legislative proposals on the criminal law provisions relevant for Swedish nationals participating in international missions (SOU 2009:76)

– 2007–2012 – Member, Standing Government Committee on International Public Law, Stockholm

– 2007–2012 – Delegate to Assembly of State Parties for the International Criminal Court (ICC)

– 2007–2012 – Delegate to United Nations General Assembly, Sixth Committee (Legal Affairs)

– 2007–2012 – Delegate to EU Council body on International Law/International Criminal Court (ICC)

– 2002 – Member of Government Committee for establishing the Folke Bernadotte Academy

– 2002 – Delegate in the EU Council Committee for Civil Crisis Management (CIVCOM)

– 2001 – President of the Multi-Disciplinary Group on Organised Crime (MDG) of the EU

– 1999 – European Commission representative to the Asia-Europe Young Leaders' Summit

b. Elected posts

None

c. Posts held in a political party or movement

None

VI. Other activities

- **2017 – Fellow and Member, Royal Swedish Academy of War Sciences**
- **2017 – Member, Editorial Advisory Board, Cambridge Journal of Evidence-Based Policing**
- **2012 – Prize Jury Member, Swedish Theft Prevention Association**
- **2012 – Board of Editors, human rights part of *Europarättslig Tidskrift* (Journal on Eur. Law)**
- 2008–2010 – Board Member Swedish Institute for International Humanitarian Law, Stockholm
- **2008 – Member, Board of Editors, Hague Journal on the Rule of Law**
- 2007–2012 – Board Member Swedish Institute for International Law, Uppsala
- 2007 – Awarded the von Bahr prize for most distinguished academic dissertation, Uppsala
- 2005–2007 – Chairman of the EC Project for Training for Civil Crisis Management Operations
- 2004–2012 – Board Member and General Counsel, Stockholm Prize in Criminology Association
- 1996–2000 – Member of Selection Committee for European Commission Internships, Brussels
- 1994–1996 – Executive Secretary of the Swedish-Malaysian Scholarship Fund, Kuala Lumpur
- 1991 – Awarded Ministry for Foreign Affairs' prize for innovation
- 1986–1990 – Board Member UN Association, Uppsala

VII. Publications and other works (selection)

- "Can the EU Protect its Fundamental Values?" in *Europaperspektiv* 2018 (Sw.), Stockholm 2018.
- "Crisis, authorities and the law: crisis management on the fringes of law" (book, in Sw., with Bergling, P., et al) 2015
- "The Rule of Law in Times of Financial Crises: How EU Rule of Law Correlates with the Market" in *Scandinavian Studies in Law*, Stockholm (vol. 60, 2015)
- "The EU Commission Defines the Rule of Law and a Mechanism for applying it inside the EU" in *Europarättslig Tidskrift* (vol. 3, 2014)
- "No Exceptions without Rules – Constitutional Emergency Law and Sweden" (article, in Sw.) in *Vänbok till Sten Heckscher* (Hirschfeldt, J., ed.), Uppsala, 2012
- "Complementarity, Local Ownership and Justice Sector Assistance in Future Legal and Justice Strategies" (article) in *Law and Justice: A Strategy Perspective* (Muller, S. and Zouridis, S., eds.) the Hague 2012
- "Computer-related Crime" (chapter) in *Cyber Law in Sweden* (part of International Encyclopaedia of Cyber Law) Wolters Kluwer 2011.
- "Strasbourg + Luxemburg = true? – EU accession to the European Convention on Human Rights", (article, in Sw.) in *Europarättslig Tidskrift* (Journal on European Law) (vol. 4, 2011)
- "Rule of Law in Public Administration: Problems and Ways Ahead in Post-Conflict Peace-Building" (article, with Bergling, P. and Zajac-Sannerholm, R.) in *the Hague Journal on the Rule of Law*, the Hague (vol. 2, 2010)
- "The Rule of Law and the European Union", doctoral dissertation, published by Iustus Förlag AB In this dissertation I analyse the way in which the EU, in different policy areas, refer to and act on references to the rule of law, often linked to systemic human rights violations. (Cf. the 2009 rule of law report by the Venice Commission, cf. CDL-AD (2011)003rev footnote 6 et seq.)

VIII. Languages

Language	Reading			Writing			Speaking		
	very good	good	fair	very good	good	fair	very good	good	fair
***a*. First language:**									

– Swedish	**X**			**X**			**X**		
***b*. Official languages:**									
– English	**X**			**X**			**X**		
– French		**X**				**X**		**X**	
***c*. Other languages:**									
– 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.

This is confirmed.

X. Other relevant information

All national service obligations have been completed.

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

This is confirmed.