Parliamentary Assembly
Assemblée parlementaire
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Doc. 15153
30 September 2020

Election of Judges to the European Court of Human Rights

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

Communication
Secretary General of the Parliamentary Assembly

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

Letter from Mr Christian Meuwly, Ambassador of Switzerland to the Council of Europe, to Mr Wojciech Sawicki, Secretary General of the Parliamentary Assembly, dated 20 April 2020.

[…]

I refer to your letter of 14 March 2019 regarding the procedure for the election of a judge to the European Court of Human Rights in respect of Switzerland.

The Federal Council approved a list of three candidates for the post in question on 13 December 2019. […]

– Ms Marianne Ryter, LLD, judge and president of the Federal Administrative Court

– Mr Nicolas von Werdt, LLD, judge of the Federal Supreme Court

– Mr Andreas Zünd, LLD, judge of the Federal Supreme Court

[…]

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

The national procedure for appointing the three candidates on the Government's list took place as follows:

The vacancy for the Swiss judge at the European Court of Human Rights was advertised at the beginning of May 2019 in the electronic and paper editions of a respected daily newspaper in each of the three linguistic regions (Neue Zürcher Zeitung, Le Temps, Il Corriere del Ticino), as well as on the Confederation's employment portal (https://www.stelle.admin.ch/stelle/fr/home.html). In parallel, the vacancy was brought to the attention of the presidents of the Confederation's courts and the higher courts of the cantons by e-mail. The deadline for submitting applications was 15 June 2019.

There were nine applicants (one of whom subsequently withdrew their application). The government shortlisted five of them. In addition to their qualifications, the criteria of gender (two women, three men), linguistic area (one person from French-speaking Switzerland, four from German-speaking Switzerland) and the type of legal profession represented (representing the judicial and academic spheres) were taken into account.

The Government then forwarded the files of the five shortlisted candidates (together with the names of the other three candidates) to the Swiss parliamentary delegation to the Council of Europe (DCoE), which involved the Federal Assembly's Judicial committee (JC), competent for preparing the election of federal judges, in the process. On 30 October 2019 the five candidates were interviewed by the DCoE and JC combined, which drew up a recommendation containing three names listed in alphabetical order. The chair of the DCoE forwarded this recommendation with an assessment of the interviews to the Federal Council by letter dated 4 November 2019.

It was on this basis that the Federal Council selected the candidatures of:

– Ms Marianne Ryter, LLD, judge and president of the Federal Administrative Court

– Mr Nicolas von Werdt, LLD, judge of the Federal Supreme Court

– Mr Andreas Zünd, LLD, judge of the Federal Supreme Court

[…]

Appendix 1 – Marianne RYTER

CURRICULUM VITAE

I. Personal details

Name, forename: Ryter Marianne

Sex: female

Date and place of birth: Berne, 09.06.1968

Nationality: Swiss

II. Education and academic and other qualifications

– Law studies at the Law Faculty of the University of Berne (1989-1995)
– Admission to the Bar of the Canton of Berne (1995)
– Doctor of Laws (Dr. iur.), PhD thesis: “Die allgemeinen Rechtsgrundsätze – Analogien zum Privatrecht; ein Beitrag zur richterlichen Rechtsfortbildung im Verwaltungsrecht” (University of Berne, 2004)
– Postgraduate degree Master of Laws (LL.M.) in International and European Economic and Commercial Law (Universities of Lausanne and Geneva, 2001). Diploma thesis: “The direct third-party effect of Article 39 EC”
– Integratives Konfliktmanagement (Integrative conflict management) (Mediator, 2010-2012)
– Management training (2004/2013)

III. Relevant professional activities

a. Description of judicial activities

– Since 2007 – Judge at the Federal Administrative Court, member of Chamber I (Legal areas: civil service, data protection, access to public documents, communication, energy, infrastructure, tax law, pension legislation, State liability, mutual assistance in administrative matters)
– Since 2019 – President of the Federal Administrative Court
– 2015–18 – Vice-President of the Federal Administrative Court
– 2013–14 – Member of the Administrative Commission of the Federal Administrative Court
– 2011–12 – Member of the Arbitration Commission of the Federal Administrative Court
– 2003–2007 – Judge at the Federal Appeals Commission for Infrastructure and Environment (Legal areas: energy, communication, infrastructure, data protection)

b. Description of non-judicial legal activities

– Since 2013 – Lecturer at the Swiss Judge Academy in Lucerne (CAS Judiciary, in the areas of court management ("Can you manage a court"), procedural management ("Management of complex public law proceedings") and publicity of the judiciary.
– Since 2010 – Lecturer at the MAS Administrative Law University of Basel ("Introduction to Public Procedural Law" and "Constitutional Jurisdiction in Switzerland").
– Since 2010 – Member of the Executive Board of the Foundation for the Legal Education and Training of Swiss Judges (including organisation and conference management of the 1st, 2nd and 3rd Biennale of Administrative Law, organisation and management of the judges' talks "Unter uns gesagt")
– Since 2008 – Lecturer at the University of Basel in Public Law and Procedure.
– Assistant at the Institute of Public Law at the University of Berne (Prof. Dr. Pierre Tschannen, 1996-2002).

– Attorney at law (Law office Mattias Ammann, Berne, Criminal and Civil Law, 1995-1996).

c. Description of non-legal professional activities

– Member and President of the Cantonal Commission for Gender Equality (1996-2002).

IV. Activities and experience in the field of human rights

– Human rights have been part of my daily legal work since the beginning of my professional career. Already during my time as an assistant at the Institute of Public Law at the University of Berne I taught on the influence of the ECHR on Swiss public law.

– As a lecturer at the University of Basel, I have been giving lectures on Public Procedural Law since 2008, which cover the entire appeals procedure – from issuing the order to the proceedings before the European Court of Human Rights in Strasbourg. Part of the lecture addresses procedural and judicial guarantees, including the articles 6 and 13 ECHR and the relevant case-law.

– Within the framework of the training and education courses of the CAS Judiciary at the University of Lucerne (Judge Academy) as well as the MAS Public Law at the University of Basel, I also teach ECHR-relevant contents on procedural and judicial guarantees, again taking into account the ECHR and the case-law of the European Court of Human Rights.

– Finally, the ECHR and the related case-law also form an integral part of the jurisdiction of the Federal Administrative Court (especially in the legal area of migration, but also in the area of responsibility of Chamber I and, more generally, in the procedural and judicial guarantees). For example, with regard to article 10 ECHR, it had to be decided to what extent a journalist was entitled to inspect the handwritten documents of the interviewees after the interview, or whether the prohibition of the Swiss Railway Company to hang posters concerning the Palestine conflict at Zurich station was permissible. In another cases it had to be examined with regard to article 8 ECHR whether a state treaty formed a sufficient legal basis for assistance from the tax authorities, i.e. the supply of tax data and thus the encroachment on a person's (property) privacy, whether individuals could demand measures from the state to ensure "clean air" or whether the confidentiality of communications was still sufficiently guaranteed within the framework of secret surveillance by recording so-called marginal data. A further example is the examination under article 4 para. 1 of Protocol 7 whether the principle of "ne bis in idem" was violated by imposing a fine on a pilot and temporarily revoking his licence for violation of the flight rules. Therefore, as a judge in Chamber I and as Vice-President and now President of the Federal Administrative Court, I am required on a daily basis to monitor the implementation of and compliance by the lower authorities with many of the guarantees of the ECHR, of which I have thus acquired in-depth knowledge through my many years of experience.

V. Public activities

a. Public office

/

b. Elected posts

/

c. Posts held in a political party or movement

/

VI. Other activities

a. Field

/

b. Duration

/

c. Functions

/

VII. Publications and other works

– "Welche Rolle kommt Richterinnen und Richtern heute zu" ("What is the role of judges today?"), Contribution to the St. Gallen Conference on Administrative Jurisdiction, St. Gall, 2019

– ZPO/StPO/VwVG: Eidgenössisches Verfahrensrecht inklusive SchKG, 1st to 4th edition (Handbook on Federal Civil, Criminal and Administrative Procedures), (5th ed. to be published in 2020)

– "Die personalrechtliche Rechtsprechung des Bundesverwaltungsgerichts" (Contribution to the St. Gallen Conference on Civil Service, Lucerne, 2015)

– "Staatshaftungsrecht" (Article on State Liability) in: Fachhandbuch Verwaltungsrecht, Biaggini/Häner/ Saxer/Schott (eds.), 2015

– "Sollen Richterinnen und Richter vermehrt zur Verantwortung gezogen werden" (Article on the Liability of Judges) in: Justiz – Justice – Giustizia", 2014

– "Verfahrensführung in Verwaltung und Verwaltungsjustiz" (Contribution to the St. Gallen Conference on Administrative Jurisdiction, Zürich, 2014)

– "Persönlichkeitsschutz und Internet" (Contribution to the Seminar of the Swiss Section of the International Commission of Jurists, Berne, 2013)

– "Rechtsprechung des Bundesverwaltungsgerichts zum Staatshaftungsrecht" (Contribution to the St. Gallen Conference on State liability), Lucerne, 2012

– "Justiz und Öffentlichkeit – ein paar Gedanken" (Article on Justice and the Public), in: Justice – Justiz – Giustizia, 2008

– "Gerichtsverwaltung und richterliche Unabhängigkeit: Überlegungen am Beispiel des Bundesverwaltungsgerichts", (Article on Court Management and Judicial Independence) in: Verwaltungsorganisationsrecht – Staatshaftungsrecht – öffentliches Dienstrecht, 2007

VIII. Languages

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

X. Other relevant information

XI. 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 if elected a judge.

Appendix 2 – Nicolas von WERDT

CURRICULUM VITAE[1]

I. Personal details

Name, forename: von Werdt, Niklaus Rudolf Alfred (a.k.a. von Werdt, Nicolas)

Sex: Male

Date and place of birth: 15 September 1959 in Basel/Switzerland

Nationality: Swiss

II. Education and academic and other qualifications

– Doctor of Laws (Dr. iur.) at the University of Bern School of Law, Switzerland: 21 February 1991. In my doctoral thesis I commented on the Swiss semiconductor chip protection act ("Ausgewählte Probleme des Topographienschutzes für mikroelektronische Halbleitererzeugnisse"; Verlag Schulthess, Zürich 1991, ISBN 3-7255-3977-7).

– Master of Laws (LL.M.) at the Cornell University School of Law, Ithaca, New York: 31 May 1987. My Masters' thesis was a comparative law study on the legal foundations of the U.S. government's and the European Economic Community's regulatory powers ('interstate commerce clause' according to Article 1 Section 8 of the US Constitution vs. 'trade between member states' according to Articles 85 and 86 of the Treaty of Rome of 1957).

– Attorney-at-law (Fürsprecher/Rechtsanwalt): admitted to the Bar on 29 November 1985.

– Student at the University of Bern School of Law from 15 September 1979 to 30 March 1985.

– Baccalaureate (Matura/Maturité) at the Collège (Grammar School) de St. Maurice/VS: 30 June 1979.

III. Relevant professional activities

a. Description of judicial activities

– **Judge at the Swiss Federal Supreme Court** from 1 January 2009 to date

– **Member of the 2nd civil law chamber** since 1 January 2009 to date

– President of the 2nd civil law chamber from 1 January 2013 to 31 December 2018

– President of the conference of the chambers' presidents from 1 January 2017 to 31 December 2018

– Part Time Judge at the Swiss Federal Supreme Court from 11 September 2001 to 31 Dec. 2008

– **Alternate Judge at the Swiss Federal Military Supreme Court** from 1 January 2000 to date

b. Description of non-judicial legal activities

– **Lecturer for the Certificate of Advanced Studies (CAS) in Civil Litigation**, a joint program of the Universities of St. Gallen and Lucerne, from 2011 to date

– Practice as Attorney-at-law: with the law firm of Kellerhals Carrard (www.kellerhals-carrard.ch), as associate from 1 January 1992 to 31 December 1996, as equity partner from 1 January 1997 to 31 December 2008; with the law firm of Jolidon, Krneta, Gullotti, Hirt from 1 October 1987 to 31 August 1989; with the law firm of Baker & McKenzie, New York office, from 1 June 1987 to 30 September 1987

– Lawyer in the Legal Department to the Office of the Attorney General of Switzerland in 1991

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

c. Description of non-legal professional activities

Secretary of the board of directors of Bank EEK AG (a regional bank) from 1 January 1994 to 30 June 2008; member of the board of directors from 1 July 2008 to 31 December 2008.

IV. Activities and experience in the field of human rights

In its jurisprudence the Swiss Federal Supreme Court held the provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) to be constitutional in nature. Therefore, the Swiss Federal Supreme Court reviews the application of national law while taking into consideration the rights and freedoms as stated in the ECHR. This means that as a judge I need to have a good understanding of the rights and liberties protected by the ECHR and to read and study the European Court of Human Rights' jurisprudence in detail.

In my activity as a judge in the 2nd civil law chamber of the Swiss Federal Supreme Court I am regularly confronted with all aspects of the civil limb of the right to a fair trial covered by Article 6 of the ECHR (right to a court, concept of a 'tribunal', concept of independence and impartiality, fairness of the proceedings, right to a public hearing, length of proceedings). In the context of substantive law, my activity requires me to handle complaints regarding the violation of the right to respect for private and family life (Article 8, mostly in the context of the law of persons [regarding the name of a person], as well as family law in its largest sense, including but not limited to parental rights, children's' rights, same sex relationships, child adoption, surrogacy, as well as Article 5 of Protocol No. 7, equality between spouses), the freedom of thought, conscience and religion (Article 9, mostly in the context of proceedings regarding the protection of adults and children), freedom of expression (Article 10, mostly in the context of libel law), freedom of assembly and association (Article 11; mostly in the context of associations), right to marry (Article 12), right to an effective remedy (Article 13), and the prohibition of discrimination (Article 14, mostly in connection with article 8 issues), as well as the right to freedom and security (Article 5/1/e and 5/4 [civil limb], mostly in the context of persons of unsound mind, alcoholics or drug addicts or vagrants).

In my capacity as a judge for the Swiss Federal Military Supreme Court, which deals exclusively with criminal matters, I had and have to deal with all aspects of the right to a fair trial (Article 6, criminal limb), the right to liberty and security (Article 5), the principle of 'no punishment without law' (Article 7), as well as the right of appeal in criminal matters, the right to compensation for wrongful conviction and the right not to be tried or punished twice (Articles 2, 3 and 4 of Protocol no. 7).

V. Public activities

a. Public office

None

b. Elected posts

– *Burgergemeinde Bern (civic community of the City of Bern):*
– **Member of the Advisory Committee on Strategic Development** of the Burgergemeinde Bern from 1 January 2019 to date
– Member of the legislative council of the Burgergemeinde Bern from 1 January 1997 to 31 December 2008
– Member of the Committee for the Oversight on Finances of the Burgergemeinde Bern from 1 January 1995 to 31 December 2008
– *Gesellschaft zu Obergerwern (civic community within the Burgergemeinde Bern; successor organisation of the tanners' guild):*
– President of the executive committee from 1 January 2003 to 31 December 2008
– Secretary of the executive committee from 1 January 1998 to 31 December 2002
– Member of the executive committee from 1 January 1992 to 31 December 1997

c. Posts held in a political party or movement

None

VI. Other activities

Regular speaker at colloquies and law seminars, usually on the jurisprudence of the Swiss Federal Supreme Court.

VII. Publications and other works

(in reverse chronological order with respect to the year of publication)

– «Begründungsanforderungen bei der Beschwerde an das Bundesgericht, Unter besonderer Berücksichtigung von Beschwerden gegen Entscheide eines Handelsgerichts», in: CivPRO Vol. 14, Stämpfli Verlag Bern 2019 (ISBN 978-3-7272-8708-4) [Article on how to present legal arguments in an appeal to the Swiss Federal Supreme Court.]

– «Die Bedeutung der ZGBR aus der Sicht der II. zivilrechtlichen Abteilung des Bundesgerichts», in: Zeitschrift für Beurkundungs- und Grundbuchrecht, Heft Nr. 3/100: 100 Jahre ZGBR / 100 ans RNRF, 2019 [Article in honour of the 100th anniversary of the publication of a legal periodical; on the usefulness and impact of doctrinal criticism of decisions made by the Swiss Federal Supreme Court.]

– «Dissenting Opinion – Zwischen Schein und Wirklichkeit», in: "Justice – Justiz – Giustizia" 2018/4 (www.https://richterzeitung.weblaw.ch/rzissues/2018/4/dissenting-opinion--_70c70243c4.html__ONCE&login=false#) [Article on the issue of dissenting opinions within the Swiss Federal Supreme Court.]

– «Der Rechtschutz im Eheschutz», in: Festschrift für Thomas Geiser, Brennpunkt Familienrecht, DIKE Verlag Zürich/St. Gallen, 2017 (ISBN 978-3-03753-8) [Article on the judicial protection in proceedings regarding the protection of the marital union, i.e. of spouses and children in family disputes.]

– «Ehe- und Kindschaftsrecht der Schweiz», in collaboration with Dr. Urs Möckli, in: Bergmann/Ferid (Hrsg.), Internationales Ehe- und Kindschaftsrecht, Verlag für Standesamtswesen, Stuttgart 2017; update in 2018 (ISBN 978-3-8019-1194-2) [Comprehensive description of the Swiss Federal laws regarding the rights of persons, families and children in an international setting.]

– «Steuern und familienrechtlicher Grundbedarf», in collaboration with Dr. Martin Kocher, in: ZBJV Bd. 11/2014, Stämpfli Verlag Bern [Article on the impact of taxes in the context of spousal and child support.]

– «Prüfung der Urteilsfähigkeit des Testators durch den Notar – insbesondere im Zusammenhang mit Alzheimer-Demenz», in: Aktuelle Themen zur Notariatspraxis, Cosmos Verlag Muri b. Bern (ISBN 978-3-85621-219-3) [Article on the responsibilities of a notary in the context of authenticating last wills and testaments established by parties that might suffer from dementia.]

– «Die Beschwerde in Zivilsachen, Ein Handbuch für Beschwerdeführer und Beschwerdegegner», Stämpfli Verlag Bern, 2010 (ISBN 978-3-7272-8734-3) [A comprehensive guide for appellants and respondents in the procedure before the Swiss Federal Supreme Court.]

– «Kommentar zum Bundesgerichtsgesetz», Co-Author and Editor, Stämpfli Verlag Bern, 1st Edition 2007 (ISBN 978-3-7272-2530-0); 2nd Edition 2015 (ISBN 978-3-7272-2574-1) [Article by article commentary of the Swiss Federal Law on the Procedure before the Swiss Supreme Court.]

– «Kommentar zum Gerichtsstandsgesetz», Co-Author and Editor, Stämpfli Verlag Bern, 1st Edition 2001 (ISBN 3-7272-9465-5); 2nd Edition 2005 (ISBN 3-7272-9465-5) [Article by article commentary of the Swiss Federal Law on the Designation of the Competent Court (ratione loci) in Civil Law Matters. This law has been repealed and replaced by the Swiss Federal Law on Civil Procedure in 2011.]

Other articles on the jurisprudence of the Swiss Federal Supreme Court in procedural and civil law matters.

VIII. Languages

Language		Reading			Writing		Speaking		
	very good	good	fair	very good	good	fair	very good	good	fair

a. First language: – German	X			X			X		
b. Official languages: – English	X			X			X		
– French	X				X		X		
c. Other language: – Italian		X				X			X

The above rating is given with respect to my capability to read, write and speak within a legal context.

I am proficient with legal English, having studied for a post-graduate degree (LL.M.) at the Cornell University School of Law in Ithaca, New York. There I met my future wife who is a US citizen (and also a lawyer). English is the language we speak in our household. My knowledge enables me not only to write in English but also to hold conferences in the English language (e.g. 2017: Chartered Institute of Arbitrators [CIArb] on the subject of the requirements for independence and impartiality of arbitrators; 2018: Georgetown University, Washington DC, on the application of foreign law by national courts; 2018 and 2019: Salzburg University School of Law, Summer School on European Private Law [https://www.uni-salzburg.at/index.php?id= 29085]: Keynote speaker at the opening ceremony).

I also have a very good knowledge of the French language. Until the age of five I spoke French at home, my mother's family coming from the French speaking part of Switzerland (Neuchâtel). However, we lived in the German speaking part of Switzerland (Basle) and we switched to using the German language as soon as I attended the local schools. However, for the last three years of Grammar School (Gymnasium/gymnase/ lycée) I attended a school in the French speaking part of Switzerland and I passed the final exams (baccalaureate/maturité) in French. Finally, approximately one third of the appeals filed with the Swiss Federal Supreme Court and therefore some one third of the decisions I participate in are written in French.

While I am more at ease writing in English, I easily write legal texts in French.

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.

n/a

X. Other relevant information

Before being appointed to the Swiss Federal Military Supreme Court, I did my (mandatory) military service in the Swiss Army, first in the mountain infantry, and later as a general staff officer with the rank of a full colonel.

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

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

Appendix 3 – Andreas ZÜND

CURRICULUM VITAE[2]

I. Personal details

Name, forename: Zünd, Andreas

Sex: Male

Date and place of birth: 8 February 1957, Niederwil, Aargau, Switzerland

Nationality: Swiss

II. Education and academic and other qualifications

– 1986 – Doctoral degree (Dr. iur./PhD), University of Bern
– 1984 – Bar exam (advocate), Canton of Aargau
– 1982 – Law degree (lic. iur.), University of Bern
– 1978–1982 – Studies in Law, University of Bern

III. Relevant professional activities

a. Description of judicial activities

– 2004–present – **Judge at the Swiss Federal Supreme Court**
– Since 2009 – **Member of the Second Public Law Division, Swiss Federal Supreme Court**
– 2010–2016 President of the Second Public Law Division, Swiss Federal Supreme Court (term limit of six years)
– 2004–2009 – Member of the Criminal Law Division, Swiss Federal Supreme Court
– 2002–2004 – Judge at the Court of Appeal of the Canton of Aargau (civil law insurance matters)
– 1996–2004 – Part-time Judge, Swiss Federal Supreme Court (Second Public Law Division, First Civil Law Division, Second Civil Law Division)
– 1993–1998 – Pre-trial Judge in criminal military matters
– 1989–2002 – Part-time Judge, Court of Appeal of the Canton of Aargau
– 1987–1996 – Law clerk at the Swiss Federal Supreme Court (Second Public Law Division)
– 1986–1987 – Law clerk at the Court of Appeal of the Canton of Aargau

b. Description of non-judicial legal activities

– **Editor of scientific publications**, most recently the Commentary on Migration Law. Comments in particular on provisions of the Swiss Constitution, the ECHR and the UN Convention on the Rights of the Child (CRC) guiding the Swiss migration laws
– **Member of the editorial board of Swiss legal journals**, including the Revue de droit suisse RDS, and the ASA, Archives de droit fiscal suisse
– Expert for the Foreign Affairs Committee of the National Council and for the Political Institutions' Committee of the National Council on Migration Law

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

– Expert for the Federal Department of Foreign Affairs in connection with the UN Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), and the UN Convention on the Rights of the Child (CRC). For a list of expertise see c. IV. lit. b.

– **Author of various scientific publications**. For a list related to human rights see c. VII. lit. b.

– **Author of numerous conferences**. For a list related to human rights see c. IV. lit. c.

– Lecturer in Constitutional Law and Human Rights Law at the University of St. Gallen

c. Description of non-legal professional activities

None

IV. Activities and experience in the field of human rights

My judicial and professional career has primarily been dedicated to the field of human rights, especially through my work as Judge — and, for six years, President — of the Second Public Law Division of the Swiss Federal Supreme Court. This division adjudicates cases concerning fundamental rights under the Swiss constitution and the European Convention on Human Rights, particularly in migration law, but also in other fields such as freedom of religion and conscience, freedom of language, right to education, and anti-discrimination law. I am also routinely asked to provide expert opinions on human rights issues by parliamentary committees and the Swiss Federal Department of Foreign Affairs, and have sought to contribute to the practical implementation of human rights law through my lectures and publications.

a. Swiss Federal Supreme Court:

I have served as Judge Rapporteur or President of the Second Public Law Division in a large number of cases involving human rights questions. The following is a sampling of the most significant recent cases:

– BGE 144 II 427 Interdependence between taxation and criminal charges, Article 6 ECHR

– BGE 144 I 266 Long-term stay, right to respect for private life, Article 8 ECHR

– BGE 144 I 1 Free primary school: costs for school events and for special language courses for foreign schoolchildren

– BGE 144 I 50 Right to join trade unions; interpretation in light of the Conventions of the International Labour Organisation; access to employers' premises; Article 11 ECHR

– BGE 144 I 214 Sanctions listing by UNSC; guarantees of Article 6 ECHR

– BGE 143 I 437 Detention of parents with aim of expulsion, placement of the children; Articles 3 and 8 ECHR

– BGE 143 II 361 Free legal assistance in Dublin detention cases: not dependent on chances of success

– BGE 143 II 297 Competition law, principle of legality, Article 7 ECHR

– BGE 142 I 49 Religious symbols, schoolchildren, freedom of religion, Article 9 ECHR

– BGE 142 II 268 Competition law, publication of decisions of the antitrust commission, presumption of innocence, Article 6 ECHR

– BGE 140 II 447 Safety in the workplace and freedom to provide services; rule of non-discrimination, Article 2 of the Free Movement of Persons Agreement between Switzerland and the EU

– BGE 139 I 306 Obligation of the Swiss Radio and Television Company to preserve fundamental rights in the area of advertising, freedom of expression, Article 10 ECHR

– BGE 139 I 330 Family reunification for refugees, Article 8 ECHR

– BGE 139 I 206 Requirement of speedy decision in cases of detention with the aim of expulsion, Article 5 ECHR

– BGE 139 I 16 Expulsion of foreigners, constitutional norm, practical concordance with constitutional rights and with the ECHR

– BGE 139 I 72 Competition law, sanctions, guaranties of Articles 6 and 7 ECHR

– BGE 138 I 274 Obligation of the Swiss Rail Company to preserve fundamental rights in the area of advertising, freedom of expression, political advertising, Article 10 ECHR

b. Expert

– 2013 – Expert for the Swiss Federal Department of Foreign Affairs on the ratification of the Third Optional Protocol to the UN Convention on the Rights of the Child (CRC)

– 2013 – Expert for the Foreign Affairs Committee of the Swiss National Council on the impact of the jurisprudence of the Court of Justice of the European Union on Swiss domestic law

– 2012 – Expert for the Swiss Federal Department of Foreign Affairs on the UN Covenant on Economic, Social and Cultural Rights

– 2002 – Expert for the Political Institutions Committee of the Swiss National Council on Migration Law

c. Lectures (last decade, selection)

– 2018 – Harmonisation as a Tool of Interpretation in International and Domestic Law, Conference of the Supreme Court of the Czech Republic and the Supreme Court of the Slovak Republic, Commemoration of the 100th anniversary of the establishment of the Supreme Court of the Czechoslovak Republic, Brno / Bratislava, 7 November 2018

– 2017 – Unabhängigkeit und Unparteilichkeit des Gerichts (Independence and Impartiality of the Court), University of St. Gallen/Zurich, 21 June 2017

– 2016 – Das Verhältnis zwischen Völkerrecht und Landesrecht (Relation between International Law and Domestic Law), University of Zurich, 7 April 2016

– 2015 – Effektiver Rechtsschutz im Kartellrecht (Effective Remedies in Competition Matters), Berlin, 23 June 2015

– 2014 – Sozialhilfe und Aufenthaltsbeendigung (Social Aid and Expulsion), University of Fribourg, 6 May 2014

– 2014 – 40 Years of the ECHR in Switzerland. Public debate on the impact of the European Convention on Human Rights on the Swiss legal system and beyond, University of Geneva, 15 October 2014

– 2014 – Competition Law: Different Court Systems in Europe – Is Access to Justice Guaranteed?, University of St. Gallen, 15 May 2014

– 2014 – Mon Repos, Strasbourg et Luxembourg: La quadrature du triangle – regards croisés sur la jurisprudence en droit des étrangers (The Squaring of the Triangle – A Comparative Look at the Jurisprudence of the Swiss Federal Supreme Court, ECtHR and ECJ in Migration Law), University of Neuchâtel, 5 December 2014

– 2013 – Dialogue of Legal Orders Through the Jurisprudence of Supreme Courts, public discussion with Dikgang Moseneke, Deputy Chief Justice of the Republic of South Africa, and András Sajó, Judge of the ECtHR, University of Zurich, 19 December 2013

– 2011 – Interpretation of the Sectorial Agreements between Switzerland and the European Union, International Dispute Resolution Conference, University of St. Gallen, 28 October 2011

V. Public activities

a. Public office

– 2007–2019 – President of the Federal Commission on Working Hours (public transport sector)

– 1986–1987 – President of an environmental policy commission, Municipality of Wohlen, Aargau

– 1985–1987 – Member of the school authority of the District of Bremgarten, Aargau

– 1984–1987 – Member of the Parliament of the Municipality of Wohlen, Aargau

b. Elected posts

– 2010–2016 – President of the Second Public Law Division, Swiss Federal Supreme Court (elected by the plenary court, maximum term)

– Since 2004 – **Judge of the Swiss Federal Supreme Court** (elected by the United Federal Assembly)

– 2002–2004 – Judge of the Court of Appeal (elected by the Parliament of the Canton of Aargau)

– 1996–2004 – Part-time Judge at the Swiss Federal Supreme Court (elected by the United Federal Assembly)

– 1990–2002 – Part-time Judge at the Court of Appeal (elected by the Parliament of the Canton of Aargau)

– 1985–1987 – Member of the school authority of the District of Bremgarten, Aargau (elected by the people of the district)

– 1984–1987 – Member of the Parliament of the Municipality of Wohlen, Aargau (elected by the people of the Municipality)

c. Posts held in a political party or movement

/

VI. Other activities

Jogging, walks in the forest, classical music

VII. Publications and other works

The dialogue between highest courts is of special importance to me and my work. I have particularly focused on exchange and collaboration with high-level judicial decision-makers throughout Europe, and I combine a comprehensive knowledge of Swiss law with a great interest in other legal systems. Therefore, I regularly organise and participate in visits, conferences and colloquia organised by constitutional courts and supreme administrative jurisdictions throughout Europe. I have hosted conferences of supreme administrative jurisdictions in Lausanne and presided over discussion on subjects like “International procedural guarantees, especially articles 6 and 7 of the ECHR and Protocol No. 7, Article 4 of the ECHR”, as well as “Protection of human rights, especially data protection in the light of modern electronic technologies”.

I have published about 30 books and articles in the fields of human rights law, constitutional law, administrative law, competition law and criminal law. Here is a selection of the most important articles related to human rights:

– Harmonisation as a Tool of Interpretation in International and Domestic Law, forthcoming

– Kommentar Artikel 69 – 82 and 155 – 122c Ausländer- und Integrationsgesetz (Federal Act on Foreign Nationals and Integration), in Marc Spescha / Andreas Zünd et al. (eds.), Migrationsrecht, 5th edition, Zurich 2019

– Constitution – Démocratie – Etat de droit (Constitution, Democracy, Rule of Law), in Andreas Gross et al. (eds.), Liberté et droits humains, St-Ursanne 2018, pp. 37 – 44

– Staatliche Leistungen und Aufenthaltsbeendigung unter dem FZA (Social Aid and Expulsion under the Free Movement of Persons Agreement), in Astrid Epiney / Teresia Gordzielik (eds.), Personenfreizügigkeit und Zugang zu staatlichen Leistungen, Zurich 2015, pp. 157 – 212

– Das schweizerische Bundesgericht im Dialog mit dem Europäischen Gerichtshof für Menschenrechte (Dialogue between the Swiss Federal Supreme Court and the European Court of Human Rights), in Europäische Grundrechte-Zeitschrift EuGRZ 41/2014, Human Rights), in Europäische Grundrechte-Zeitschrift EuGRZ 41/2014, pp. 21 – 26

– Grundrechtsverwirklichung ohne Verfassungsgerichtsbarkeit (Realisation of Fundamental Rights without Constitutional Jurisdiction), in Aktuelle Juristische Praxis AJP 22/2013, pp. 1349 – 1357

– Aufenthaltsbeendende Massnahmen im schweizerischen Ausländerrecht, insbesondere unter dem Aspekt des Privat- und Familienlebens (Measures in Swiss Law to End Residence of Foreigners, Especially Taking into Account the Right to Respect for Private and Family Life), in Europäische Grundrechte-Zeitschrift EuGRZ 40/2013, pp. 1 – 19

– The Implementation of the Free Movement of Persons Agreement between Switzerland and the EU, in European Law Reporter 2013, pp. 23 – 28

– Privatisierung von Polizeiaufgaben (Privatisation of Police Functions), in Sicherheit & Recht 2012, pp. 162 – 184

– Die polizeiliche Generalklausel (The General Police Clause), in Zeitschrift des Bernischen Juristenvereins (ZBJV) 147/2011, pp. 261 – 293

VIII. Languages

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

German, French and Italian are my professional working languages. I have been and continue to serve as Judge Rapporteur in cases adjudicated in all three of these 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.

Though I meet the level of language proficiency in the official languages of the Council of Europe I am eager to continue to enhance my ability to communicate in both languages.

X. Other relevant information

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

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