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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 Poland

Communication
Secretary General of the Parliamentary Assembly

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1. Letter from Mr Zbigniew Rau, Minister of Foreign Affairs of the Republic of Poland, to Ms Despina Chatzivassiliou-Tsovilis, Secretary General of the Parliamentary Assembly, dated 8 March 2021.

Acting on the basis of Article 22 of the Convention for the Protection of Human Rights and Fundamentail Freedoms, I have the honour to submit a list of three candidates for the post of judge of the European Court of Human Rights in respect of Poland for the term of office 2021-2030 (in alphabetic order):

– Ms Elżbieta Karska

– Mr Aleksander Stępkowski

– Ms Agnieszka Szklanna

As requested per letter dated 21 February 2021, attached hereby are the curricula vitae of the candidates in both English and French, prepared in accordance with the model adopted by the Parliamentary Assembly, as well as a detailed information on the national procedure by which the candidates were selected.

I would also like to confirm that the Advisory Panel of Experts on Candidates for Election for Judge to the European Court of Human Rights was consulted on 8 December 2020 as envisaged by the Committee of Ministers' Resolution No. CM/Res (2010) 26 of 10 November 2010.

At the same time, the Ministry of Foreign Affairs of the Republic of Poland remains at your disposal should the Parliamentary Assembly have any questions concerning the above candidates or the selection procedure applied.

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

The procedure, by which three candidates were selected, was conducted on the basis of Ordinance No. 1 of the Minister of Foreign Affairs of 13 January 2012 on the establishment of the Committee responsible for the selection of candidates for the post of Judge at the European Court of Human Rights in Strasbourg (Journal of Laws of the Minister of Foreign Affairs of 2012, item 1 and of 2020, item 55) (hereinafter referred to as the "Ordinance"). Thus, the same selection procedure was applied as in 2012 on the occasion of the previous selection and election of the current Polish judge of the European Court of Human Rights. Essentially, no changes in the procedure were made, bearing in mind that it was accepted by the Parliamentary Assembly in 2012. However, some important improvements were introduced.

2.1. The Selection Committee

The composition of the Committee responsible for the selection of candidates for the post of Judge at the European Court of Human Rights in Strasbourg (hereinafter referred to as the "Selection Committee") was established basically in the same way as the composition of that body in 2012 during the previous selection process. The members of the Selection Committee were proposed by the Ministers of Foreign Affairs and Justice, the President of the General Counsel to the Republic of Poland and the Head of the Chancellery of the Prime Minister, i.e. exactly the same authorities which had nominated members of the Selection Committee in 2012.

However, in response to the suggestions on the part of some NGOs and representatives of legal professions, the participation of a person from outside the government administration – a professor of the University of Opole (dean and lecturer of the Faculty of Law and Administration) – was secured as an additional guarantee of the appropriate conduct of the selection process – free from undue influence. This was made possible thanks to the amendment introduced to the 2012 Ordinance. As a result of that amendment, instead of an undersecretary of state at the Ministry of Justice and the president of the General Counsel to the Republic of Poland, the new regulation enabled the appointment of two additional professors and specialists in the issues relevant to the Convention system.

The Selection Committee was headed by the secretary of state at the Ministry of Foreign Affairs in charge of human rights, legal and treaty, consular and parliamentary matters (at the same time assistant professor at the Institute of European Studies at the Warsaw University's Faculty of Journalism and Political Science). The remaining 6 members included:

– professor, dean and lecturer in constitutional law and human rights law of the Faculty of Law and Administration of the University of Opole;

– counsellor and a deputy director of the International and European Law Department of the General Counsel to the Republic of Poland[1] (a professor and lecturer in public international law of the Faculty of Law and Administration of the Nicolaus Copernicus University in Toruń);

– director of the Legal and Treaty Department of the Ministry of Foreign Affairs (a lawyer, doctor of law and former lecturer in international law at various universities);

– deputy director of the United Nations and Human Rights Department of the Ministry of Foreign Affairs (a legislator, attorney-at-law and member of the Regional Bar Council of Attorneys-at-Law in Warsaw, former Government Co-Agent (2006-2012) and Agent before the European Court of Human Rights (2012-2018), former member of the Human Rights Committee of the National Bar Council of Attorneys-at-Law (2017-2020));

– secretary of state at the Chancellery of the Prime Minister (a lawyer);

– current Government Agent before the European Court of Human Rights (since 2018) and deputy director of the Legal and Treaty Department of the Ministry of Foreign Affairs (in 2006 – 2009 seconded to the Council of Europe Department for the Execution of the Judgments of the European Court of Human Rights) – acting as a secretary to the Selection Committee (without the right to vote).

In sum, the Selection Committee was thus of a balanced composition as it involved two representatives of the government, four members of the civil service (not linked to any political parties) and one independent representative of academia. As far as the professional profile of the members of the Selection Committee is concerned, four out of six persons have links with the academic community (two of them are actively involved in teaching human rights, constitutional law and international law at the universities of Opole and Toruń respectively). The members of the body responsible for recommending candidates had similar high professional standing and collectively ensured sufficient technical knowledge of the relevant issues, notably: human rights law, public international law, constitutional law, humanitarian law, political sciences, domestic law, the functioning of the European Court of Human Rights and other international tribunals and the work of the Council of Europe as well as practical experience in dispute settlement. Members of the Selection Committee also ensured good command of both English and French. All members of the Committee (except its secretary) were able to actively participate in the deliberations of the Committee and on equal footing.

2.2. Advertisement to announce the vacancy

On 9 October 2020, the launch of the procedure for selecting candidates for the post of judge was announced by the Minister of Foreign Affairs in three daily newspapers of a nationwide coverage, including the *Dziennik Gazeta Prawna* (Daily Legal Newspaper), and a four-week deadline was fixed for submitting applications (expiring on 6 November 2020). The announcement, specifying the formal and substantive requirements to be met by the candidates, was also placed on the Ministry of Foreign Affairs' website and its social media accounts (Twitter, LinkedIn). At the same time, the Deputy Foreign Minister also sent a letter to 130 institutions asking them to disseminate the announcement further. In addition to the relevant governmental authorities and the Chancelleries of the President, Sejm and Senate of the Republic of Poland, the request for dissemination of the advertisement was also addressed to all three ombudsmen functioning in Poland (*i.e.* the Commissioner for Human Rights, Children's Rights Ombudsman, Patient's Rights Ombudsman), the Constitutional Court, the Supreme Court, the Supreme Administrative Court and the National Council of the Judiciary, the presidents of all courts of appeal and all voivodeship administrative courts, the presidents of the relevant legal professions: The Polish Bar Council, National Bar Council of Attorneys-at-Law and the National Council of Court Bailiffs, and also to the chairpersons of the human rights commissions of advocates and attorneys-at-law. The request was also sent to several non-governmental organisations, including those critical to the government (namely those that co-operate on a permanent basis with the interministerial Committee for matters of the European Court of Human Rights), the deans of the faculties of law of 18 universities throughout the country, the Polish Academy of Sciences, as well as 16 Regional Centres for International Debate.

1. The Office of the General Counsel to the Republic of Poland constitutes an independent organ, as clearly stated in Article 5 of the law establishing it, whereas its counsellors' status, which is similar to that of civil servants, guarantees them independence at the exercise of their functions.

2.3. Applicants

In total, 18 persons submitted their candidatures before the expiry of the time-limit. In accordance with the above-mentioned Ordinance, prior to the examination of their applications at the first meeting, the members of the Selection Committee were required to declare a potential conflict of interests between them and any of the candidates (no such conflict of interest was identified). Eight applying persons were called upon by the Selection Committee to remove formal shortcomings of their applications (all of them complied). There was no shortlisting and all applicants were invited for interviews held at the second meeting (except three persons who had withdrawn their candidatures shortly before the meeting).

2.4. Interviews

All interviews were held on 1 and 2 December 2020 according to the same rules fixed by the Selection Committee at its first meeting in November 2020. Those rules were announced to all candidates in advance and were published on-line. The interviews were conducted in alphabetical order and the time afforded to each candidate was identical (40 minutes). The interviews were based on a standardised format, similar to that applied by the Parliamentary Assembly of the Council of Europe. At the beginning, all candidates were given an opportunity to present their candidatures as well as to share their vision of the role of judge and that of the Convention and the Court. Subsequently, all candidates received the same set of four questions – all of which dealt with the Convention system and the Court's case-law. The final list of questions was adopted by the Selection Committee at the second meeting just before the interviews. One of the questions was posed in English, and one in French, the candidates having the right to reply in any official language of the Court. Following these interviews and deliberations, the Selection Committee took a final decision on the list of three candidates.

2.5. Evaluation of the candidates

According to the Ordinance, the members of the Selection Committee should assess the candidates taking into account the requirements of holding the office of judge at the European Court of Human Rights as set out in Article 21(1) of the Convention for the Protection of Human Rights and Fundamental Freedoms, as well as:

– knowledge of issues related to the protection of human rights;

– extensive knowledge of the law, in particular Polish law, and experience in its practical application;

– the candidate's academic achievements.

The Ordinance also requires that the list of three successful candidates should include at least one representative of each sex (unless in view of exceptional circumstances it would not be possible).

The members of the Selection Committee were made fully aware of the requirements concerning the list of three candidates and of the standards applied by the Parliamentary Assembly of the Council of Europe and the Advisory Panel when assessing the lists and candidates put forward by governments. Each member of the Selection Committee received – translated into Polish – the memorandum of the Parliamentary Assembly on the procedure for the election of judges to the European Court of Human Rights and the Short guide on the Panel's role and the minimum qualifications required of a candidate. They also received a complete set of all the Council of Europe relevant documents (inter alia the text of the Convention, Committee of Ministers Guidelines with explanatory memorandum, Parliamentary Assembly Resolution 1646 (2009) on the nomination of candidates and election of judges to the European Court of Human Rights), as well as subsidiary materials such as, among others, information on the legal requirements necessary in Poland to be appointed for the post of judge of the Supreme Court, the Supreme Administrative Court and the Constitutional Court and an overview of the Polish jurisprudence and doctrine regarding the term of the "highest moral level", as well as excerpts from one of the leading commentaries to Article 21 of the Convention. The checklists containing the criteria stemming from the Convention, Ordinance and the Parliamentary Assembly checklists were also made available to the members of the Selection Committee as a tool facilitating their work.

2.6. Transparency

Throughout the whole selection process, a special care was taken to ensure its transparency. Not only was the announcement widely disseminated, but the Ministry of Foreign Affairs also launched a dedicated website (https://www.gov.pl/web/dyplomacja/wybor-sedziego-etpc) where it published news on the respective stages of the selection process, including information on persons appointed to sit as members of the Selection Committee, detailed information on both meetings of the Selection Committee, the rules of conducting

interviews with candidates, and – after the interviews – the exact questions posed to the candidates. All relevant domestic legal regulations and documents of the Council of Europe could also be found on that website (among them the aforementioned memorandum of the Parliamentary Assembly and the Panel's short guide in Polish; the text of Parliamentary Assembly Resolution 1646 (2009) on the nomination of candidates and election of judges to the European Court of Human Rights; the applicable extract from the Rules of the Parliamentary Assembly on Elections by the Parliamentary Assembly; Committee of Ministers Resolutions nos. CM/Res(2009)5 on the status and conditions of service of judges of the European Court of Human Rights and of the Commissioner for Human Rights and CM/Res(2010)26 on the establishment of an Advisory Panel of Experts on Candidates for Election as Judge to the European Court of Human Rights; Guidelines of the Committee of Ministers on the selection of candidates for the post of judge at the European Court of Human Rights as well as two relevant CDDH reports). All necessary documents and forms for the candidates were also made available in one place to facilitate applying. In addition, the Ministry of Foreign Affairs replied to many individual requests for information or documents on the selection process, including the protocols of all meetings of the Selection Committee were made available to two parliamentarians upon their request (in full versions with all annexes – once the personal data of candidates had been anonymised as required by the binding regulations on the personal data protection).

The only information that was not made public was the information on the names of all applying persons and their CVs, in accordance with the rules adopted as early as 2012 during the previous selection process. It was decided not to introduce exceptions to the general rule of protection of personal data bearing in mind the following arguments and standards: the content of paragraphs V.2-3 of the Committee of Ministers Guidelines, which do not contain any recommendation to publish personal data of all applying persons, the practice applied by many other Council of Europe member States, and the concerns expressed in two CDDH reports where the publication of personal data of all applying persons was mentioned as a challenge that could possibly discourage potential applicants. Nevertheless, the Selection Committee sent a message to all applying persons informing them about the interest expressed by some NGOs, media and parliamentarians in receiving information on the persons who had applied. In November 2020, the Selection Committee asked the candidates to consider publishing information on their participation in the selection procedure voluntarily and a special form was made available to them to that end. In response, two persons consented and their personal details were made public.

Appendix 1 – Elżbieta KARSKA

CURRICULUM VITAE

I. Personal details

Name, forename: Karska, Elżbieta

Sex: Female

Date and place of birth: 13 September 1977, Wrocław, Poland

Nationality: Polish

II. Education and academic and other qualifications

– 2010 – Habilitated Doctor of Law (Higher Doctorate, Post-Ph.D. Degree) / specialisations: international law and European law, Faculty of Law, Administration and Economics, University of Wrocław;

– 2004 – Ph.D. (*summa cum laude*) / specialisation: international law; Faculty of Law, Administration and Economics, University of Wrocław; doctoral dissertation awarded the Prime Minister's Award – at the request of the Rector of the University of Wrocław (*Concurrent and Complementary Jurisdiction between International Criminal Tribunals and National Courts // Zbieżność a komplementarność jurysdykcji międzynarodowych trybunałów karnych i sądów krajowych*, 'Acta Universitatis Wratislaviensis', Wrocław 2004);

– 2018 – Master of Business Administration (MBA), Faculty of Management, Warsaw School of Business;

– 2002 – Course on International Humanitarian Law, International Committee of the Red Cross;

– 2001 – Master in Law, Faculty of Law, Administration and Economics, University of Wrocław.

III. Relevant professional activities

a. Description of judicial activities:

– 2018-present – **Member of the Permanent Court of Arbitration**, The Hague;

– 2010-2012 and 2018-present – **Judge ad hoc of the European Court of Human Rights**, Strasbourg.

b. Description of non-judicial legal activities:

– 2019-present – **Director of the Doctoral School**, Cardinal Stefan Wyszyński University in Warsaw; conducting seminars on human rights protection; research activity, administrative responsibilities and educational management of the Doctoral School; co-operation with similar domestic and foreign academic and research centres;

– 2014-2019 – Director of the Institute of International Law, European Union and International Relations, Faculty of Law and Administration, Cardinal Stefan Wyszyński University in Warsaw; research activity, administrative responsibilities and educational management of the Institute; co-operation with similar domestic and foreign academic and research centers;

– 2010-present – **Professor and Head of the Department of Human Rights Protection and International Humanitarian Law**, Faculty of Law and Administration, Cardinal Stefan Wyszyński University in Warsaw; lecturer on human rights protection, international criminal law, international humanitarian law, public international law, European Union law, history of the law of nations; co-operation with similar domestic and foreign academic and research centreers;

– 2019-present – **Adjunct Professor**; Indian Institute of Finance, Greater Noida, Delhi NCR (pro bono);

– 2016 – guest lecturer in human rights at the Universidade do Oeste de Santa Catarina (UNOESC), Brazil (series of lectures in the campuses of Joaçaba, São Miguel do Oeste, Xanxerê and Chapecó);

– 2001-2011 – Ph.D. student and subsequently Assistant Professor at the Department of International and European Law, Faculty of Law, Economics and Administration, University of Wrocław;

– 2005 – research internship at the Faculty of Law, Ruhr-University Bochum.

c. Description of non-legal professional activities

Not applicable

IV. Activities and experience in the field of human rights

– 2017-present – **Member of the Management Board of the European Union Agency for Fundamental Rights** (FRA), Vienna;

– 2017-present – **Member of the European Commission against Racism and Intolerance (ECRI), Council of Europe**, Strasbourg;

– 2017-present – **Expert for the Human Dimension Mechanism**, Office for Democratic Institutions and Human Rights (ODIHR), Organization for Security and Co-operation in Europe (independent expert enrolled on the list of the ODHIR 'Moscow Mechanism');

– 2018-present – **UN Independent Human Rights Expert; Member**, and from January to June 2019, Vice-Chairperson and, from July to December 2019, Chairperson-Rapporteur of the UN Working Group on the issue of human rights and transnational corporations and other business enterprises, UN Human Rights Council (Special Procedures), Geneva; participation in the drafting and adoption of annual reports for the UN General Assembly and the UN Human Rights Council on the Group's work, focusing in particular on human rights due diligence, improving accountability and access to remedy for victims and the activity and protection of human rights defenders; as part of the Group's work travelled to, among others, Georgia, with the findings being recorded in detailed reports; as Chairperson-Rapporteur of the Working Group presided over the *8th UN Forum on Business and Human Rights: Time to act: Governments as catalysts for business respect for human rights*, held from 25 to 27 November 2019 in the Palace of Nations in Geneva;

– 2011-2018 – UN Independent Expert on Human Rights; Member and, from 2014 to 2016, Chairperson-Rapporteur of the UN Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, UN Human Rights Council, Geneva; participation in the drafting and adoption of annual reports on the Group's work for the UN General Assembly and the UN Human Rights Council, focusing in particular on domestic regulations concerning private military and security companies, and foreign fighters; as Chairperson-Rapporteur of the Working Group, presented these reports to sessions of the UN Human Rights Council and the Third Committee of the UN General Assembly; as part of the work in the Group also travelled to several countries (including Honduras, Tunisia, and Belgium) and visited EU institutions, with the findings being recorded in detailed reports;

– 2011-present – **Member of the International Law Association** (ILA), London; Member of the ILA's Committee on International Human Rights Law, which finished its work in 2016; Member of the ILA's Committee on Complementarity in International Criminal Law (active since 2013) and Alternate Member of the ILA's Committee on Human Rights in Times of Emergency (active since 2017); I organised and was a participant in numerous conferences devoted to human rights protection.

V. Public activities

a. Public office:

– 2016-2018 – Member of the Experts Committee for the reform of the personal data protection law in the European Union at the Inspector General for the Protection of Personal Data, Poland;

– 2017-2018 – Adviser to the Ombudsman for Children (*pro bono*), Poland.

b. Elected posts:

I do not hold and have never held or run for elected posts.

c. Posts held in a political party or movement:

I am not and have never been a member of a political party or political movement, and so I can confirm that I do not hold and have never held any positions in such organisations.

VI. Other activities

a. Field:

International Relations.

b. Duration:

2020-present.

c. Functions:

Member of the Committee of the Award of the Polish Association for International Studies.

VII. Publications and other works

Author of over 100 publications (monographs, articles and other works in Polish, English and other languages) on international law, including human rights law. List of selected publications:

– Elżbieta Karska, Some Remarks on Refugeehood as a Legal Issue // Kilka uwag o uchodźstwie jako zagadnieniu prawnym, [in:] Elżbieta Karska (ed.), Refugeehood in the 21st Century from the Perspective of International, European Union and National Law // Uchodźstwo XXI wieku z perspektywy prawa międzynarodowego, unijnego i krajowego, Department of Human Rights Protection and International Humanitarian Law Press (Cardinal Stefan Wyszyński University), Warsaw 2020, pp. 9-21 (book: 275 pages);

– Elżbieta Karska, New Trends in International Human Rights Protection Law as a Response to Changes // Nowe tendencje w międzynarodowym prawie ochrony praw człowieka jako odpowiedź na zmiany, [in:] Anna Tarwacka (ed.), Tempora Mutantur Cum Legibus, Wolters Kluwer, Warsaw 2019, pp. 48-58;

– Elżbieta Karska (ed.), Refugees. Current Issues of Law and Practice // Uchodźcy. Aktualne zagadnienia prawa i praktyki, Department of Human Rights Protection and International Humanitarian Law Press (Cardinal Stefan Wyszyński University), Warsaw 2017, 148 pages;

– Elżbieta Karska, Human Rights and International Criminal Law – Selected Aspects of Jurisdiction, [in:] Elżbieta Karska, Narciso Leandro Xavier Baez, Amalia Particia Cobos Campos (eds.), Human Dignity and Human Rights Serious Violations, Qualis Editora (Brazil), Florianópolis-Santa Catarina 2016, pp. 11-38 (book: 244 pages);

– Elżbieta Karska (ed.), Global Problems with the Protection of Human Rights // Globalne problemy ochrony praw człowieka, Department of Human Rights Protection and International Humanitarian Law Press (Cardinal Stefan Wyszyński University), Warsaw 2015, 444 pages;

– Elżbieta Karska, The Relationship Between Business and Human Rights – Some Remarks from the International Law Practice and Doctrine's Point of View // Relacje biznesu i praw człowieka – kilka uwag z punktu widzenia praktyki i doktryny prawa międzynarodowego, [in:] Anna Tarwacka (ed.), Iura et negotia, Wolters Kluwer, Warsaw 2015, pp. 106-127;

– Elżbieta Karska (ed.), Rights of the Child in International Law // Prawa dziecka w prawie międzynarodowym, Department of Human Rights Protection and International Humanitarian Law Press (Cardinal Stefan Wyszyński University), Warsaw, 1st ed. 2013, 2nd ed. 2014, 356 pages;

– Elżbieta Karska (ed.), The Impact of the European Convention on Human Rights on Human Rights Protection Systems and International Criminal and Humanitarian Law // Wpływ Europejskiej Konwencji Praw Człowieka na systemy ochrony praw człowieka oraz międzynarodowe prawo karne i humanitarne, 'Mówią Wieki', Warsaw 2013, 367 pages;

– Elżbieta Karska, Gaps in International Human Rights and Humanitarian Law in Relation to Accountability Involving Private Military and Security Companies, 'Polish Review of International and European Law' 2013, Vol. 2, Issue 2, pp. 61-79;

– Elżbieta Karska, Subsidiarity of Governmental and Non-governmental Organisations' Resolutions in the Jurisdiction of International Criminal Tribunals // Subsydiarność uchwał organizacji rządowych i pozarządowych w jurysdykcji międzynarodowych trybunałów karnych, 'Acta Universitatis Wratislaviensis', Wrocław 2009, 336 pages.

VIII. Languages

Language	Reading			Writing			Speaking		
	very good	good	fair	very good	good	Fair	very good	good	fair
***a*. First language:**									
Polish	X			X			X		
***b*.Official languages:**									
– English	X			X			X		
– French		X			X			X	
***c*.Other languages:**									
Russian		X			X			X	
German		X			X			X	

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

I can confirm my intention to participate in intensive French language classes prior to and, if necessary, also at the beginning of my term of duty, if I were to be elected a judge on the Court.

X. Other relevant information

– Member of editorial boards and advisory boards of numerous journals, including *'Polski Rocznik Praw Człowieka i Prawa Humanitarnego'* / *'Polish Review of Human Rights and Humanitarian Law'* (Publisher: University of Warmia and Mazury), *'Problemy Współczesnego Prawa Międzynarodowego, Europejskiego i Porównawczego'* / *'Issues of Contemporary International, European and Comparative Law'* (Publisher: Jagiellonian University), *'Polski Przegląd StosunkówMiędzynarodowych'* / *'Polish Review of International Relations'* (Publisher: Cardinal Stefan Wyszyński University), *'Polish Review of International and European Law'* (Publisher: Cardinal Stefan Wyszyński University), *'Międzynarodowe Prawo Humanitarne'* / *'International Humanitarian Law'* (Publisher: Naval Academy), *'Finance India'* (Publisher: Indian Institute of Finance) and 'Wojskowy Przegląd Prawniczy' / 'Military Juridical Review' (Publisher: Department of Military Affairs of the National Public Prosecutor's Office);

– 2014-present – Special Issues Editor of the 'International Community Law Review' (Publisher: Department of Law, Queen Mary University of London // Nijhoff | Brill, Leiden-Boston); the tasks of the Special Issues Editor include supervising the publication of all Special Issues of the ICLR; the Special Issues Editor may also be an Editor/Co-editor for a specific issue; in this latter category are included the following Special Issues: The Use of Private Military and Security Companies by the United Nations: International Legal Aspects, ICLR 2014, Vol. 16, Issue 4, 95 pages (Co-editor); Extraterritorial Scope of Human Rights, ICLR 2015, Vol. 17, Issue 4-5, 122 pages (Co-editor); Foreign Fighters and Foreign Terrorist Fighters: An International Law and Human Rights Perspective, ICLR 2016, Vol. 18, Issue 5, 122 pages (Co-editor); Judicial Dialogue in Human Rights, ICLR 2019, Vol. 21, Issue 5, 104 pages (Co-editor).

– 2013-present – Editor-in-Chief of the academic monographs series 'Prawa Człowieka i Prawo Międzynarodowe' / 'Human Rights and International Law' (Publisher: Cardinal Stefan Wyszyński University);

– 2016-present – Member of the Advisory Board of the academic monographs series *'Prawo i Stosunki Międzynarodowe'* / *'International Law and Relations'* (Publisher: Cardinal Stefan Wyszyński University);

– Active participant in several dozen academic and expert legal conferences (as a key speaker, chairperson and panel member), including international conferences, and organizer or co-organizer of more than a dozen academic law conferences, including the *Warszawsko-Toruńskie Kolokwia Naukowe Praw Człowieka i Międzynarodowego Prawa Humanitarnego / Warsaw-Toruń Academic Seminars on Human Rights and International Humanitarian Law*, which have been organized for more than 10 years alternately in Warsaw and Toruń by the Cardinal Stefan Wyszyński University and the Nicolaus Copernicus University;

– 2014 – Member of the Panel of Judges of the Polish National Round of *'The European Human Rights Moot Court Competition'*, ELSA Poland and National Chamber of Attorneys-at-Law;

– Supervisor on several Ph.D. dissertations, more than 200 master's theses and several dozen bachelor's theses on international law and international relations, including protection of human rights. Reviewer of more than 30 Ph.D. and habilitation (Higher Doctorate) dissertations on law, including dissertations on the law on the protection of human rights.

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

I confirm my readiness to take up permanent residence in Strasbourg, if I were to be elected a judge on the Court.

Appendix 2 – Alexander STĘPKOWSKI

Curriculum vitae

I. Personal details

Name, forename: STĘPKOWSKI Aleksander Bogusław

Sex: Male

Date and place of birth: 20 May 1974, London, United Kingdom

Nationality: polish

II. Education and academic and other qualifications

– Certificate in English and European Law (1996) – Board of Continuing Education University of Cambridge;

– Master in law (1997) – University of Warsaw;

– Diploma in classical solo singing (1999) – F. Chopin High School (prof. Leonard A. Mróz class)

– PhD in legal science (2001) – University of Warsaw (thesis: Trusts in Scots Law as a Mixed Legal System).

– Habilitated Doctor (2010) – University of Warsaw (thesis: Principle of Proportionality in European Legal Culture. Judicial Review of Discretionary Powers in Modern Europe).

III. Relevant professional activities

a. Description of judicial activities

Judge of the Supreme Court of the Republic of Poland (current, since 2019). I have been adjudicating in the Chamber of Extraordinary Control and Public Affairs within which constitutional review of final judgments delivered by common courts is provided. This review is supplementing constitutional complaint as administered by the Constitutional Tribunal in relation to statutory provisions.

In the course of the extraordinary constitutional review I determine whether final judgments of common courts are conformant to fundamental constitutional rights and principles. In cases I NsNc 22/20 and I NsNc 57/20, as the judge rapporteur, I have provided a complex analysis reviewing conformity of extraordinary constitutional review with the ECtHR principles protecting legal certainty (protection of the *res iudicata* principle) upon Article 6 of the ECHR.

I have been also adjudicating as judge providing cassatory control over decisions of public regulators in matters including i.a. consumer protection, transport regulations, energy market, media market and others.

I have been also considering cases for excessive length of the proceedings in appellate jurisdiction, applying standards of the ECHR in this respect, as implemented into Polish legislation.

An other important field of judicial activity is review of the resolutions taken by the National Council for Judiciary, including presentation for the appointment to the office of judge.

I have been adjudicating also in electoral complaints (so called: “election protests”) raised in the national parliamentary elections, as well as elections to the European Parliament in 2019 and elections of the President of the Republic of Poland in 2020.

b. Description of non-judicial legal activities

Professor of Law at the University of Warsaw, Faculty of Law and Administration.

c. Description of non-legal professional activities – none.

None

IV. Activities and experience in the field of human rights

– 2015 November – 2016 August: Coordinating relationships between Poland and the Human Rights International Institutions (i.a. Council of Europe; UN Human Rights Council; ODHIR – OSCE) in capacity of deputy Minister of Foreign Affairs.

– 2013-2015: President of the Foundation Institute for Legal Culture Ordo Iuris, an NGO providing assistance for people suffering from discrimination or abuse of administrative power (including litigation assistance) as well as information coverage on the human rights issues and training for law students in this field. Amicus curiae briefs to Polish Constitutional Tribunal and to European Court of Human Rights as well as to European Committee of Social Rights.

V. Public activities

a. Public office

– Acting First President of the Supreme Court of the Republic of Poland (May 2020).

– Undersecretary of State in the Ministry for Foreign Affairs responsible for Human Rights and Legal Affairs (November 2015 – August 2016).

b. Elected posts

None.

c. Posts held in a political party or movement

None.

VI. Other activities

a. Field

Communication.

b. Duration

Since 26th May 2020.

c. Functions

Spokesperson of the Supreme Court of the Republic of Poland (current)

VII. Publications and other works

– Zasada proporcjonalności w europejskiej kulturze prawnej. Sądowa kontrola władzy dyskrecjonalnej w nowoczesnej Europie [Principle of Proportionality in European Legal Culture. Judicial Review of Discretionary Powers in Modern Europe], Warszawa: Liber 2010, pp. 458.

– L'institution du trust dans le système mixte du droit privé écossais, Varsovie: Liber 2005, pp. 198.

– Human Dignity and Two Ways of its Understanding [in:] New Challenges for law: Studies on the Dignity of Human Life, ed. J.M. Puyol Montero, Valencia: Tirant lo Blanch 2020, p. 43-58.

– Between Wines and Spirits. Classification Challenges of Polish 'Fruit Wine'-based Products in EU Perspective [in:] Wine Law and Policy. From National Terroirs to a Global Market, ed. Julien Chaisse, Fernando Dias Simões, and Danny Friedmann, Brill 2020, p. 146-174 (co-aut. J. Pawlikowska, L. Wiwała).

– Contemporary Conscience-Related Controversies against Philosophical Background [in:] Contemporary Challenges to Conscience. Legal and Ethical Frameworks for Professional Conduct, ed. A. Stępkowski, Berlin: Peter Lang 2019, pp. 294.

– The Emergence of the Right to Life in Polish Constitutional Law [in:] Unborn Human Life and Fundamental Rights. Leading Constitutional cases under Scrutiny, ed. P. Zambrano, W. Saunders, Berlin: Peter Lang 2019, pp. 115-128 (coauthor: J. Ferenz).

– The Necessity for a Holistic Approach to Protecting Human Life [in:] Protection of Human Life in Its Early Stage: Intellectual Foundations and Legal Means, ed. A. Stępkowski, Frankfurt am Main: Peter Lang 2014, pp. 266.

– Problem „istoty" prawa podstawowego w perspektywie klasycznych teorii prawa podmiotowego [The Issue of the Core-Content of the Fundamental Right in the Perspective of Classical Subjective Rights Theories], «Zeszyty Prawnicze UKSW» 13.4/2013, p. 115-126.

– Koncepcja gender-based violence i perspektywy jej empirycznej ewaluacji [The concept of the gender-based violence and the perspectives for its empirical evaluation] [in:] Studia nad formalnymi i nieformalnymi źródłami prawa, ed. T. Barankiewicz, J. Potrzeszcz & others, TNKUL: Lublin 2020, p. 247-263.

– Rozważania nad tożsamością zasady proporcjonalności w kontekście niemieckiego porządku konstytucyjnego [Considerations upon the Identity of the Principle of Proportionality in the Context of German Constitutional Law], «Studia Iuridica» 48 (2008), p. 267-287.

VIII. Languages

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

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

I believe that my knowledge of French is fair enough for performing judicial activity. I was working in French while preparing publication of my doctoral thesis (*L'institution du trust dans le système mixte du droit privé écossais*) as well as analyzing case law of the Conseil d'Etat and Conseil Constitutionnel while preparing my habilitation on the Principle of Proportionality. I was also *i.a*. invited speaker by the (then) Advocate General of the CJEU Melchior Wathelet during the *Grande Conférence Européenne Jean Rey* (Université de Liège 28.10.2016) delivering presentation**:** *La Situation juridique en Pologne dans un contexte Européen*.

However, I do confirm that I am going to further improve my French during intensive language course prior to the beginning of the term of my duty, if elected judge on the Court.

X. Other relevant information

None.

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 permament residence in Strasbourg if elected.

Appendix 3 – Agnieszka SZKLANNA

CURRICULUM VITAE

I. Personal details

Name, forename: SZKLANNA Agnieszka

Sex: Female

Date and place of birth: 25 December 1973, Gdańsk, Poland

Nationality/ies: Polish, French

II. Education and academic and other qualifications

– 2008 – PhD in legal sciences (*doktor nauk prawnych*), PhD thesis (in Polish) on "Aliens' protection under the case law of the European Court of Human Rights", Faculty of Law and Administration, International Law Institute, Warsaw University, Warsaw, Poland.

– 2004 – Diploma certifying passing the bar exam at the Warsaw Bar Association, Warsaw, Poland.

– 1998 – MA in legal sciences (*magister nauk prawnych),* Faculty of Law and Administration, Warsaw University, Warsaw, Poland.

– 1998 – Master of Arts in European Studies, field of study – law, College of Europe – Natolin, Warsaw, Poland (branch of the College of Europe, Bruges, Belgium).

– 1997 – MA in applied linguistics (*magister lingwistyki stosowanej)*, French and English translation, Department of Applied Linguistics and East Slavic Studies, Applied Linguistics Institute, Warsaw University, Warsaw, Poland.

– 1997 – Certificate of Studies in French and European Law, Warsaw University, Faculty of Law and Administration, Warsaw, Poland, in cooperation with the Poitiers University, France.

III. Relevant professional activities

a. Description of judicial activities

2003-2004 – lawyer at the Polish division, Registry of the European Court of Human Rights (ECtHR), Council of Europe, Strasbourg, France. Drafting decisions for committees of three judges and chamber judgments and dealing with applicants' mail.

2000-2001 – in the framework of the traineeship at the Warsaw Bar Association, trainee at six different courts in Warsaw (first and second-instance criminal and civil courts, regional commercial court and the land register division of the regional court).

b. Description of non-judicial legal activities

Since 15 August 2009 until now – Secretary to the Committee on Legal Affairs and Human Rights, Secretariat of the Parliamentary Assembly of the Council of Europe, Strasbourg, France. Main activities:

– drafting draft reports, resolutions, recommendations and opinions for committee rapporteurs on various issues concerning the protection of human rights, European legal co-operation and public international law, such as the implementation of ECtHR judgments and the functioning of the system based on the European Convention on Human Rights, the rule of law and the status of Ombudsman institutions, the situation of human rights defenders, the rights to freedom of association and peaceful assembly and to freedom of thought, conscience and religion, national minorities' rights, non-discrimination, the right to nationality, human rights and business, combatting terrorism, the abolition of the death penalty and the relations between the European Union and the Council of Europe;

– researching on those issues;

– organising (high-level) fact-finding visits for committee rapporteurs in Council of Europe member States and international organisations, and taking part in such visits;

– organising hearings and seminars, in co-operation with MPs, as well as meetings of the committee sub-committees (namely the sub-committee on the implementation of ECtHR judgments);

– maintaining working relations with MPs, legal experts, civil servants from other departments of the Council of Europe, other international organisations and Council of Europe member States and representatives of civil society;

– speaking at seminars concerning the activities of the committee for MPs, MEPs, judges and prosecutors, other civil servants, lawyers, students and PhD students in law, and representatives of civil society, at conferences organised within the Council of Europe (namely by the Committee of Ministers, the Commissioner for Human Rights and the INGO Conference) and externally (at member States' institutions, European Union institutions and international organisations).

2020 – visiting professor, Law Faculty, Paris-Dauphine University, Paris. Teaching (comparative law) to M1 students.

2014-2015 and 2012-2013 – visiting professor, Political Sciences Institute, Strasbourg University. Teaching (human rights and relations between the Council of Europe and the European Union) to M1 and M2 students.

2004-2009 – administrator – legal officer, Department for the Execution of Judgments of the European Court of Human Rights, General Directorate of Human Rights and Legal Affairs, Council of Europe. Main activities: analysing judgments of the ECtHR in order to determine individual and general measures to be taken by respondent States; preparing cases for their examination by the Committee of Ministers (drafting draft notes, decisions, interim or final resolutions); taking part in negotiations with respondent States' delegations; supervising other lawyers; giving conferences on the activities of the Department to study visitors (lawyers, judges and prosecutors, law students and PhD students), staff members of the ECtHR Registry and at external events in member States of the Council of Europe.

1999-2004 – trainee barrister, Karniol Małecki i Wspólnicy Sp. z o.o. law firm, Warsaw. Main activities: drafting legal opinions, draft agreements, judicial correspondence and other documents in cases concerning mainly civil, commercial and criminal law, pleading on behalf of clients before courts; translating legal documents into/ from French and English.

1999-2004 – PhD student, academic assistant, International Law Institute, Faculty of Law and Administration, Warsaw University. Giving tutorials on public international law.

2000 – consultancy assignments for the ministry of Health, Warsaw. Drafting legal opinions on the compatibility of Polish legislation with the European Union law on public health and consumers' protection.

2000 – trainee, DG Health and Consumer Protection, European Commission, Brussels.

1999 – lawyer, law firm Gide Loyrette Nouël Polska Sp. z o.o., Warsaw. Main activities: drafting legal opinions on issues of administrative and civil law, translating legal documents into/from French and English.

c. Description of non-legal professional activities

1998-2003 – translation of legal texts (including European Union directives, Polish laws and articles on legal issues) for private entities, the Warsaw University and the Ministry of Telecommunications.

IV. Activities and experience in the field of human rights

See items III a) et b) above.

2016 and 2017 – member of the jury of the Moot Court competition organised by the European Law Students' Association (ELSA), Council of Europe.

Outside the scope of my professional activities, speaking at seminars and conferences, namely:

– 2017 (May) – "The Representation of the Republic of Poland before the European Court of Human Rights: Over Two Decades of Experience of the Ministry of Foreign Affairs", conference organised by the Ministry of Foreign Affairs, Warsaw, Poland.

– 2015 (June) – *"*The Status of Alien in Poland *vis-à-vis* Current International Challenges", organised by the Polish Helsinki Foundation on the occasion of its 25th anniversary, Warsaw, Poland.

– 2010 (December) – conferences on the protection of human rights and the rights of national minorities for the European Human Rights Foundation, Vilnius.

– 2008 (May) – seminar on the ECtHR case law against Poland for Polish judges and prosecutors, organised by the European Centre of the Warsaw University.

V. Public activities

a. Public office

See item III above.

b. Elected posts

None.

c. Posts held in a political party or movement

None.

VI. Other activities

a. Field

Law, European integration.

b. Duration

Respectively since 2004, 2007 and 2001.

c. Functions

Member of the Warsaw Bar Association (as a non-practicing barrister), of the European Society of International Law (ESIL) and of the College of Europe Alumni Association.

VII. Publications and other works

A monograph on: Legal protection of aliens under the case law of the European Court of Human Rights (in Polish), Europrawo, Warsaw, 2010.

Twenty articles, including:

– 2019: *The Right to a Nationality in Recent Case Law of the European Court of Human Rights and Council of Europe Bodies' Work*, article (in English) published in 'European Yearbook on Human Rights 2019', ed. Ph. Czech and others, Intersentia, United Kingdom.

– 2018: *Delays in the Implementation of ECtHR Judgments: The Example of Cases Concerning Electoral Issues*, article (in English) published in 'European Yearbook on Human Rights 2018', ed. W. Benedek and others, Intersentia, United Kingdom.

– 2017: Implementation of Judgments of the European Court of Human Rights: The Interaction Between the Court, the Committee of Ministers and the Parliamentary Assembly of the Council of Europe, article (in English) published in 'European Yearbook on Human Rights 2017', ed. W. Benedek and others, Vienna, Graz, Austria.

– 2012: *The Standing of Applicants and NGOs in the Process of Supervision of ECtHR Judgments by the Committee of Ministers,* article (in English) published in 'European Yearbook on Human Rights 2012', ed. W. Benedek and others, Vienna.

– 2011: The Role of Interim Measures Indicated by the ECtHR under Rule 39 of Its Rules of Procedure for the Protection of Aliens Against Their Removal Contrary to the ECHR, article (in English) published in 'European Yearbook on Human Rights 2011', ed. W. Benedek and others, Vienna.

– 2010: *The Impact of the Pilot Judgment Procedure of the European Court of Human Rights on the Execution of its Judgments,* article (in English) published in 'European Yearbook on Human Rights 2010', ed. W. Benedek and others, Vienna.

– 2010: *Violations of the right to respect one's family life,* article (in Polish) published in 'Europejski Przegląd Sądowy', Warsaw.

– 2009: The supervision of the execution of ECHR's judgments by the Committee of Ministers of the Council of Europe – evolution, proceedings and current state, article (in Polish) published in the book "60 years of the Council of Europe – standards' creating and applying", ed. H. Machińska, Oficyna Prawa Polskiego, Warsaw.

– 2008: *The execution of judgments of the ECHR – general matters and specific issues related to the Polish cases,* article (in Polish) published in the 'Bulletin of the Warsaw Information Office of the Council of Europe, Scientific Editions Scholar, No. 2/2008, Warsaw.

VIII. Languages

Language	Reading			Writing			Speaking		
	very good	good	fair	very good	good	fair	very good	good	fair
***a*. First language:**									
Polish	X			X			X		
***b*. Official languages:**									
– English	X			X			X		
– French	X			X			X		
***c*. Other languages:**									
– Spanish	X				X			X	
– German		X				X			X
– Russian			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.

None.

X. Other relevant information

– 2007 – Diploma de Español como Lengua Extranjera (Nivel Superior), Spanish language diploma, Cervantes Institute.

– 1995-1996 – holder of a scholarship from the General Council of Maine-et-Loire *Département*, studies at the Institute of Training in Modern Languages (French and English translation), *Université Catholique de l'Ouest*, Angers, France.

– 1981-1985 – French primary school *Lycée Pasteur*, Oran, Algeria.

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

I currently live in Strasbourg and will continue to live there if elected a judge on the Court.