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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 Denmark

Communication
Secretary General of the Parliamentary Assembly

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1. Extracts from the letter from the Ministry of Foreign Affairs of Denmark to Ms Despina Chatzivassiliou-Tsovilis, Secretary General of the Parliamentary Assembly, dated 7 July 2022

List of Danish candidates for the position of Judge at the European Court of Human Rights and description of national selection procedure

1.1. List and curricula vitae of candidates submitted by the Government of Denmark

With reference to your letter of 29 November 2021, the Government of Denmark (hereinafter the "government") respectfully submits the following candidates for election as judge at the European Court of Human Rights:

– Mr Mohammad Ahsan

– Mr Jon Esben Hvam

– Mr Ib Hounsgaard Trabjerg

The government observes that the list above is arranged in alphabetical order by surname, and the list is therefore not prioritised.

The curricula vitae for each of the candidates and the procedure by which the candidates were selected have been examined by the Advisory Panel of Experts on Candidates for Election as Judge to the European Court of Human Rights. […]

The curricula vitae in English and French are attached to this letter as appendices 1 to 3.

1.2. Description of the procedure by which the candidates were selected

1. By letter dated 29 November 2021 a request was submitted to the government by the Secretary General of the Parliamentary Assembly of the Council of Europe for the submission of a list of three candidates for the position as judge at the European Court of Human Rights in respect of Denmark. The government was requested to send the list of candidates and their detailed curricula vitae as well as a description of the procedure by which the candidates were selected to the Parliamentary Assembly no later than 25 August 2022.

By letter dated 10 December 2021 a request was submitted to the government by the Chair of the Advisory Panel of Experts on Candidates for Election as Judge to the European Court of Human Rights for the submission of the names and curricula vitae of the candidates, together with information on the procedure by which the candidates were selected. The government was requested to provide the information to the Advisory Panel no later than 25 May 2022.

2. In March 2013 an independent standing committee (*Dommerudnævnelsesrådet vedrørende internationale dommerstillinger mv.*) of five members was appointed by the Minister of Justice upon nomination from the President of the Supreme Court (nomination of the chairman of the Committee), the Presidents of the High Courts, the General Council of the Danish Bar and Law Society, the Ministry of Foreign Affairs and the Ministry of Justice respectively.

The members of the committee are the following:

– Mr Oliver Talevski, Supreme Court Judge (chairman)

– Ms Gitte Rubæk Pedersen, Judge at the Danish Eastern High Court

– Mr Jens Rostock-Jensen, Attorney

– Mr Jeppe Tranholm-Mikkelsen, Permanent Secretary of State for the Ministry of Foreign Affairs

– Mr Johan Kristian Legarth, Permanent Secretary of State for the Ministry of Justice.

The committee's task is to evaluate the qualifications of applicants to the positions as Danish judge at the European Court of Human Rights, Danish judge at the Court of Justice of the European Union, Danish judge at the General Court of the European Union, and Danish Advocate General at the Court of Justice of the European Union. On the basis of this evaluation, the committee nominates the best candidates to the government. The Ministry of Justice serves as the secretariat of the Committee.

3. Shortly after receiving the requests of 29 November 2021 and 10 December 2021, the Ministry of Justice and the Ministry of Foreign Affairs started preparing the notice for the position of judge at the European Court of Human Rights and planned the general process.

4. On 9 February 2022 the notice for the position of judge at the European Court of Human Rights was published widely on two major websites for vacant positions in Denmark (www.jobunivers.dk and www.jobnet.dk). Furthermore, the notice was published on the websites of the Ministry of Justice and the Ministry of Foreign Affairs, and in a more targeted manner on the website of the General Council of the Danish Bar and the Law Society and on the National Courts Administration's intranet.

The notice included information on the requirements for qualification as judge at the European Court of Human Rights, including linguistic competences, as well as relevant information about the application process. In the notice persons, who wished to be nominated as candidates for the position as judge at the European Court of Human Rights, were invited to submit to the Ministry of Justice their applications no later than 9 March 2022. All interested persons, regardless of personal background, were encouraged to apply. Applicants were invited to upload their applications electronically.

5. On 14 March 2022 the committee decided on a meeting to re-publish the notice due to the fact that the Ministry of Justice has not received any applications from female candidates. The notice was re-published on 18 March 2022 at the above-mentioned websites, and the new deadline for submitting applications was set to 15 April 2022.

6. The government observes that prior to the first and second round of applications, the highest officials in the Ministry of Justice, the chairman of the independent standing Committee, who is a Danish Supreme Court Judge, and a judge at the Danish Eastern High Court, who is also a member of the Committee, contacted a number of potential female candidates and encouraged them to apply for the position as judge at the European Court of Human Rights.

In total, eleven potential female candidates were approached by phone. The women, who were approached, are either judges at the highest courts in Denmark or possess qualifications for appointment to the highest judicial offices.

Despite the above-mentioned steps taken by the Ministry of Justice and the committee, the ministry only received applications from male candidates.

7. In total, five applications from male candidates were received within the deadlines. Subsequently, the committee assessed whether the applicants met the eligibility requirements for nomination as candidates for the position as judge at the European Court of Human Rights in accordance with Article 21 of the European Convention on Human Rights as well as the qualifications listed in inter alia the Guidelines of the Committee of Ministers on the selection of candidates for the post of judge at the European Court of Human Rights CM(2012)40 of 29 March 2012 and in Recommendation 1649 (2004) from the Parliamentary Assembly of the Council of Europe.

The committee summoned four out of five applicants to interviews on 4 May 2022. On that basis, and after assessing the qualifications of the applicants, the committee nominated the three above-mentioned candidates to the government. On 24 May 2022 the government accepted the Committee's nomination.

On 25 May 2022 the government transmitted the names and the English versions of the curricula vitae of the three candidates, together with information on the procedure by which the candidates were selected, to the Advisory Panel of Experts on Candidates for election as Judge to the European Court of Human Rights. The French translations of the curricula vitae were sent to the Advisory Panel on 13 June 2022.

[…]

8. It is the government's view that all reasonable efforts have been made to encourage potential female candidates to apply for the position as judge at the European Court of Human Rights, and thereby to ensure a list that contains candidates of both sexes.

Firstly, eleven potential female candidates were approached by the highest officials in the Ministry of Justice, by the chairman of the independent standing Committee, who is a Danish Supreme Court Judge, and by a judge at the Danish Eastern High Court, who is also a member of the Committee. Although, the Ministry of Justice only received applications from male candidates.

Secondly, the notice has been published with an application deadline of four weeks in both rounds of applications, and according to the government the deadline has therefore been sufficiently long.

Thirdly, it is the government's view that the notice for the position as judge at the European Court of Human Rights has been published very widely, and on websites (www.jobunivers.dk and www.jobnet.dk) where a broad variety of lawyers commonly see vacant positions. The government observes that these two websites are fora where lawyers – whether working in i.a. private companies, in the government, for NGO's or as professors at universities – commonly see vacant positions. This is also illustrated by the fact that the government received an application for the position as judge at the European Court of Human Rights from a male legal professor.

Furthermore, the government notes that it has not previously experienced difficulties with receiving applications from female candidates when publishing international judicial positions at these two major websites (www.jobunivers.dk and www.jobnet.dk). As an example, the position as Advocate General at the Court of Justice of the European Union was also published on these two websites, and the government received during this process applications from a number of potential female candidates.

Against this background, it is the government's view […] that there are "exceptional circumstances" in this case which justifies a derogation from the general rule that the list should contain at least one candidate of each sex. Therefore, the government respectfully requests that the list is accepted.

9. Should any further information or clarifications be needed, please contact Co-Agent of the Government of Denmark, Ms Nina Holst Christensen, the Ministry of Justice (e-mail: nhc@jm.dk, phone +45 2010 5551).

Appendix 1 – Mohammad AHSAN

Curriculum Vitae

I. Personal details

Name, forename: Ahsan, Mohammad

Sex: Male

Date and place of birth: 25 December 1970, Gujrat, Pakistan

Nationality: Danish

II. Education and academic and other qualifications

1998: Master of Law, University of Copenhagen, Denmark

III. Relevant professional activities

a. Description of judicial activities

- 2001-2004: Deputy judge at the Supreme Court
- 2002-2004: Deputy judge (part-time) at the Special Complaints Court
- 2017-2018: Ad hoc judge at the Danish Eastern High Court (for nine months)
- **2018-current: High court judge and, since 2021, assisting president of section at the Danish Eastern High Court**
- **2019-current: Arbitrator at the Danish Institute of Arbitration**

b. Description of non-judicial legal activities

Main employments

- 1998-2001: Head of section, Ministry of Justice, two different divisions
- 2004-2006: Head of section, Ministry of Justice, Constitutional Law Division
- 2006-2008: Senior legal adviser, Ministry of Justice, Constitutional Law Division
- 2008-2009: Senior legal adviser, Ministry of Justice, Criminal Law Division
- 2009-2011: Head of division, Ministry of Justice, Constitutional Law Division
- 2011-2013: Head of the Law Department at the Prime Minister's Office, Chief Legal Adviser to Prime Ministers Mr Lars Løkke Rasmussen and Mrs Helle Thorning-Schmidt
- 2013-2018: Deputy Director of Public Prosecutions

Part-time employments

- 1998-1999: Assisting prosecutor, District Prosecutor's Office, Copenhagen
- 2003-2004: Legal secretary to the President of the Supreme Court
- 2004-2006: Assisting prosecutor, State Prosecutor's Office, Copenhagen
- **2019-current: Chairman, the Independent Police Complaints Authority**
- **2021-current: Vice-chairman, the Danish Refugee Appeals Board**

Other activities

– 1999-2003: Assistant lecturer of Constitutional Law and Human Rights Law at the University of Copenhagen

– 2002: Assistant lecturer of International Law at the University of Copenhagen

– 2005: Associate professor of European Human Rights Law at the University of Copenhagen

– 2003-2007: Associate professor of Constitutional Law and Human Rights Law at the University of Copenhagen

– 2004-2008: Member of the Council of Europe Group of Specialists on Access to Official Information (under the Steering Committee for Human Rights) which drafted the 2008 Council of Europe Convention on Access to Official Documents

– 2004-2009: Secretary to the Committee on Access to Public Administration Files (*Offentlighedskommissionen, betænkning nr. 1510/2009*)

– **2020-current: The Danish Parliamentary Ombudsman's evaluation panel**

– Member of governmental working groups and expert committees preparing legislation

– For many years been teaching government officials, lawyers and others in administrative law, the General Data Protection Regulation (GDPR), the Data Protection Act and the Public Access to Information Act

c. Description of non-legal professional activities

None.

IV. Activities and experience in the field of human rights

– 1999-2007: The case-law of the European Court of Human Rights was an important element when I was teaching in Constitutional Law and Human Rights Law at the University of Copenhagen

– 2004-2008/2009-2011: The case-law of the European Court of Human Rights and the rights enshrined in the European Convention on Human Rights was an integrative element when I was working in the Constitutional Law Division at the Ministry of Justice and giving general and specific advice to ministries and public authorities on constitutional law issues

– 2013-2018: As a Deputy Director of Public Prosecutions I argued cases orally and in writing before the Supreme Court where human rights issues where a key element

– **2018-current: As a high court judge, I have applied the substantive and procedural rights of the European Convention on Human Rights in cases presented to me. As vice-chairman of the Danish Refugee Appeals Board, I have had the opportunity to apply different articles of the European Convention on Human Rights when handling asylum cases. Furthermore, I have applied different articles of the Convention when handling police complaint cases as chairman of the Independent Police Complaints Authority**

V. Public activities

No public office posts, elected posts or posts held in a political party or movement.

VI. Other activities

Reference is made to the information above.

VII. Publications and other works

I have written the following articles on human rights issues:

– Together with another author: The European Court of Human Right's case law on expulsion (*Den Europæiske Menneskerettighedsdomstols udvisningspraksis*), The Danish Law Journal (*Juristen*), 2000, p. 365.

– Together with another author: The legal status of human rights convention in the Danish legal system (*Menneskerettighedskonventioners retskildemæssige status i dansk ret*), The Danish Law Journal (*Juristen*), 2002, p. 92.

– Freedom of expression and defamation in a human rights perspective (*Ytringsfrihed og ærekrænkelser i et menneskeretligt perspektiv*), The Danish Law Journal (*Juristen*), 2002, p. 248.

– Together with the former President of the Supreme Court of Denmark, Børge Dahl: The Supreme Court and International Law (*Højesteret og folkeretten*), 2018, p. 117, in festschrift to Stefan Lindskog, President of the Supreme Court of Sweden.

– Author of a Commentary of the Public Access to Information Act (*Offentlighedsloven med kommentarer*), Djoef Publishing, Copenhagen. The first edition covered 850 pages and was published in 2014 and the second edition was published in 2020 and covers 959 pages.

VIII. Languages

Language	Reading			Writing			Speaking		
	very good	good	fair	very good	good	fair	very good	good	fair
***a*. First language:**									
Danish	X			X			X		
***b*. Official languages:**									
– English	X			X			X		
– French			X			*			X*
***c*. Other languages:**									
Urdu/Hindi		X				X	X		

*I do not write French and only speak very little 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

I confirm my intention concerning the French language.

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

Appendix 2 – Jon Esben HVAM

Curriculum Vitae

I. Personal details

Name, forename: Hvam, Jon Esben

Sex: Male

Date and place of birth: 22 December 1972 in Aarhus, Denmark (49 years old)

Nationality: Danish

Family status: Married to Mrs Herborg Kråkevik, Norwegian actress and singer, two daughters Agnes (18) and Petra (12)

II. Education and academic and other qualifications

Law Degree from Aarhus University in 1998

Admitted to the Danish Bar in 2010

III. Relevant professional activities

a. Description of judicial activities

As of 2015: High Court Judge at the Danish Western High Court

Previous main positions in the judicial sector:

2014: Judge at the District Court of Holstebro, Jutland

2013: Acting High Court Judge of the Danish Western High Court

2006-2009: Assistant judge at the Supreme Court

2007-2009: Assistant judge at the Danish Labour Court (subsidiary occupation)

b. Description of non-judicial legal activities

August 2011-2012: Senior Legal and Human Rights Advisor at the International Law and Policy Institute in Oslo, Norway

Main tasks: Provision of advice and conducting legal reviews/analysis for various international institutions, UN organisations and Norwegian ministries on Public International Law, Human Rights Law and Justice Sector Reform

2010-July 2011: Attorney-at-law at the Danish law firm Nielsen Nørager in Copenhagen

Main tasks: Provision of advice to and carrying out legal proceedings on behalf of private clients and public institutions in the areas of contract law, insolvency law, company law and tort law

1998-2001 and 2003-2006: Civil Servant at the Danish Ministry of Justice

Doing service in the Office of Naturalisation (1998-1999), Office of Personnel (1999-2001), Office of Procedural Law (2003-2004), and Office of Constitutional Law (2004-2006)

Main tasks: Preparation of law drafts, providing legal advice to other ministries, case handling and administrative tasks

Part-time prosecutor for the Copenhagen Police Commissioner (1999-2001) and the Zealand State Attorney (2004-2006)

c. Description of non-legal professional activities

2018: Chairman of the Board of Viborg Cathedral School (High School and Boarding School with approximately 1 150 Danish and international students)

IV. Activities and experience in the field of human rights

August 2011-2012: Senior Legal and Human Rights Adviser at the International Law and Policy Institute in Oslo, Norway

Main tasks: Provision of advice and conducting legal reviews/analysis for various international institutions, UN organisations and Norwegian ministries on Public International Law, Human Rights Law and Justice Sector Reform.

2001-2003: Human Rights and Legal Advisor to the Danish Human Rights Institute working as an adviser to the Cambodian Government and as the local representative of the institute in Cambodia.

Main tasks: Supporting the elaboration of a plan for reform of the Legal and Judicial sector in Cambodia with the point of departure in the Cambodian Constitution and International Human Rights Conventions ratified by Cambodia. Facilitation of the co-operation between the Cambodian Government and UN organisations present in Cambodia, the World Bank, various embassies and local NGOs on legal and judicial reform in Cambodia.

2003-2011: Part-time consultancies for the Danish Institute for Human Rights in the area of Human Rights Law and implementation of the Rule of Law and Due Process in Serbia, Yemen and Cambodia.

1999-2008: Part-time senior lecturer at the Faculty of Law at the University of Copenhagen on the subject “Danish Constitutional Law and Human Rights Law”.

2005-2007: Part-time senior lecturer at the Faculty of Law at the University of Copenhagen on the subject “The Practice of the European Court of Human Rights” (with teaching and examinations conducted in English).

1999-2001: Part-time lecturer at the Faculty of Law at the University of Copenhagen on the subject “Public International Law”.

V. Public activities

As of 2019: Chairman of the Danish Disciplinary Court for Surveyors (public committee, which according to law is presided over by a High Court Judge)

As of 2019: Deputy Chairman of the Danish Appeals Permission Board within the section of family law (granting permissions to appeal judgments/decisions of the District Courts to the High Courts)

2016-2018: Chairman of the Danish Consumer Complaints Board (public committee, which according to law is presided over by a High Court Judge)

VI. Other activities

Legal and financial support to the Prey Lang Community Network, a project aiming to protect the Prey Lang forest in Cambodia, the largest evergreen forest on the Indochinese peninsula.

VII. Publications and other works

Elaboration of compilations of teaching material on the subject “Danish Constitutional Law and Human Rights Law” during my 9 years as part-time senior lecturer at the University of Copenhagen.

VIII. Languages

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

***b*. Official languages:**									
– English	X			X	X		X	X	
– French			X						X
***c*. Other languages:**									
German	X			X	X			X	
Norwegian	X				X			X	
Swedish		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 have begun taking private classes in French in March 2022 and will continue to do so. I intend to continue learning French and also to work on fine-tuning my Legal English.

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 will take up permanent residence in Strasbourg if elected a judge. My wife and younger daughter will be prepared to move to Strasbourg with me.

Appendix 3 – Ib Hounsgaard TRABJERG

Curriculum Vitae

I. Personal details

Name, forename: Trabjerg, Ib Hounsgaard

Sex: Male

Date and place of birth: 28June 1970, Husby, Denmark

Nationality: Danish

Family status: Married, two children (14 and 19 years old)

II. Education and academic and other qualifications

1989: High School Diploma, Ringkøbing Gymnasium.

1996: Law graduate, University of Aarhus.

III. Relevant professional activities

a. Description of judicial activities

Full time employment

November 2001 – April 2002: Deputy judge, City Court of Køge (now City Court of Roskilde)

March 2008 – December 2008: High court judge (ad interim), Danish Eastern High Court

December 2009 – December 2014: City court judge, Court of Lyngby

As of January 2015: High court judge, Danish Eastern High Court

External activities (required by law that the activity must be managed by a judge)

April 2011 – December 2014: Chairman, The Nature Preservation Board of Copenhagen (appointed by the Ministry of Environment)

March 2016 – September 2021: Vice chairman of the Danish Refugee Appeals Board, Ministry of Immigration and Integration (appointed by the presidency of the board)

As of October 2021: Chairman of the Danish Refugee Appeals Board, Ministry of Immigration and Integration (appointed by the presidency of the board)

On ad hoc basis I have in recent years also concluded a number of arbitration cases primarily within the framework of the Danish Institute of Arbitration

I am nominated by the Ministry of Taxation on the list of independent persons according to the provisions of the Convention of 23 July 1990 on the elimination of double taxation in connection with the adjustment of profits of associated enterprises (the Arbitration Convention) and article 9 of Council Directive (EU) 2017/1852 of 10 October 2017 on tax dispute resolution mechanisms in the European Union.

b. Description of non-judicial legal activities

Full time employment

February 1996 – April 1999: Head of section, Ministry of Justice (Court Administration Department and Civil and Police Department)

May 1999 – January 2001: Head of section, Danish Parliamentary Ombudsman

February 2001 – October 2001: Head of section, Ministry of Justice (Civil and Police Department)

May 2002 – July 2005: Head of section, Ministry of Justice (Civil and Police Department and Law Department)

August 2005 – February 2008: Legal adviser, Ministry of Justice (Law Department)

January 2009 – November 2009: Legal adviser, Ministry of Justice (Law Department)

Non-judicial external activities

April 1998 – December 1999: Teaching assistant (correction of dissertations), Administrative Law, University of Aarhus

February 2000 – August 2005: Teaching assistant, International Law, University of Copenhagen

February 2005 – August 2005: External lecturer (substitute), Inheritance Law ("Privat Generationsskifte"), University of Copenhagen

February 2010 – January 2016: External lecturer, Civil Procedural Law, University of Copenhagen (various periods)

January 2012 – June 2012 (during the Danish EU Presidency): Chairman of a Council Working Group dealing with general questions concerning civil law and a Council Working Group dealing with the negotiations on a proposal for a regulation concerning protection measures in civil matters (appointed by the Ministry of Justice)

2015 – 2016: Chairman of the Working Group on combat sports (appointed by the Ministry of Justice)

January 2016 – November 2021: Editor (court decisions), Journal of Family and Inheritance Law (Karnov Group)

As part of my employment as head of section in the Ministry of Justice I have in various periods also worked as a part time deputy judge and a part time prosecutor, and I have been a member (deputy) of an administrative appeal board dealing with unemployment benefits etc. (Arbejdsmarkedets Ankenævn).

c. Description of non-legal professional activities

None.

IV. Activities and experience in the field of human rights

I have extensive practical experience in the field of human rights working as a city court judge and later as a high court judge dealing with both civil and criminal cases within the ordinary court system of Denmark.

As vice chairman and now chairman of the Danish Refugee Appeals Board, which has the final decision-making power in asylum cases, I also deal with human rights issues on a day-to-day basis.

V. Public activities

a. Public office

None.

b. Elected posts

None.

c. Posts held in a political party or movement

None.

VI. Other activities

None.

VII. Publications and other works

I am a co-author of three works within the fields of Family Law, Probate Law and Inheritance Law and have also contributed to a few articles primarily on these topics. I have also on ad hoc basis had educational activities. The main publications are:

Co-author: Ægtefælleloven med kommentarer (The Danish Act on Matrimonial Property Regimes with commentaries), Anne Louise Bormann, Johan Hartmann Stæger and Ib Hounsgaard Trabjerg (1st edition, 2019).

Co-author: Arveloven med kommentarer (The Danish Inheritance Act with commentaries), Anne Louise Bormann and Ib Hounsgaard Trabjerg (2nd edition, 2017).

Co-author: Dødsboskifte (Administration of estates of deceased persons), Anne Louise Bormann, Finn Taksøe Jensen and Ib Hounsgaard Trabjerg (currently 2nd edition 2012, 3rd edition expected 2022).

VIII. Languages

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

I confirm the above statement.

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 the above statement.