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

*Letter dated 30 November 2022 from the Government of Denmark to Ms Despina Chatzivassiliou-Tsovilis, Secretary General of the Parliamentary Assembly of the Council of Europe: List of Danish candidates for the position of Judge at the European Court of Human Rights and description of the national selection procedure*

With reference to your letter of 14 October 2022, 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
- Ms Anne Louise Haahr Bormann
- Mr Jon Esben Hvam.

The government observes that the list above is arranged in alphabetical order after surname, and the list is therefore not prioritised. The curricula vitae in English and French are attached to this letter as appendices 1 to 3.

### **1.1. Description of the procedure by which the candidates were selected**

1. By letter dated 14 October 2022 the Secretary General of the Parliamentary Assembly of the Council of Europe informed the government that the former list of three candidates for the position as judge at the European Court of Human Rights in respect of Denmark was rejected due to the fact that the list only contained male candidates. The government was therefore requested to submit a new 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 8 December 2022.

By letter dated 20 October 2022 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 14 November 2022.

2. On 24 October 2022 the notice for the position of judge at the European Court of Human Rights was re-published widely on two major websites for vacant positions in Denmark (<https://www.jobuniven.dk> and <https://job.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 7 November 2022. All interested persons, regardless of personal background, were encouraged to apply. It appeared from the notice that previously submitted applications would still be taken into consideration.

3. Three additional applications were received within the deadline on 7 November 2022, including one from a female candidate and two from male candidates. The government observes in this regard that the notice for the position of judge at the European Court of Human Rights was previously published on 9 February 2022 and 18 March 2022. The government received during these rounds five applications from male candidates.

In total, eight applications were received within the deadlines.

4. In March 2013 an independent standing committee (*Dommerudnøvnelsesrådet 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 Rubrek 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.

5. 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 five out of eight applicants to interviews on 4 May 2022 and 9 November 2022. On that basis, and after assessing the qualifications of the applicants, the committee nominated the three above-mentioned candidates to the government.

On 14 November 2022 the government transmitted the names and 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.

6. 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: <mailto:nhc@jm.dk>, phone +45 20105551).

## Appendix 1 – Mohammad AHSAN

### 1. 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 were 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 Rights 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
<b>a. First language:</b>									
– Danish	X			X			X		
<b>b. Official languages:</b>									
– English	X			X			X		
– French			X			X*			X*
<b>c. Other languages:</b>									
– 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 – Anne Louise BORMANN

### 2. Curriculum Vitae

#### I. Personal details

Name, forename: Bormann, Anne Louise Haahr

Sex: Female

Date and place of birth: 25 August 1967, Ebeltoft, Denmark

Nationality: Danish

#### II. Education and academic and other qualifications

1991 Master of Law, University of Copenhagen

1999 Master of Law, Human Rights Law, University of Nottingham

#### III. Relevant professional activities

##### *a. Description of judicial activities*

- 1993-1994: Part time deputy judge at the District Court of Copenhagen
- 1994-1996: Deputy judge at the District Court of Kalundborg
- 2004: Acting High Court Judge, Eastern High Court
- 2005-2016: High Court Judge, Eastern High Court
- **2016: Supreme Court Judge**
- **2019: Vicepresident of the Labour Court**

##### *b. Description of non-judicial legal activities*

###### *Full time employment*

- 1991-1994, 1996-1998 and 1999-2000: Head of Section, Ministry of Justice
- 2000-2001: Senior Legal Advisor, Law Department
- 2001-2004: Head of Division, Law Department

###### *Part time employment*

- 1991-1993: Assistant prosecutor, Copenhagen Police
- 1996-2000: Assistant prosecutor, Copenhagen State Prosecutor's Office
- 2010-2014: Chair of the law reform committee on marital property regimes
- 2012-2015: Consultant on a Danida project for the training of Ugandan magistrates
- **2014: Chair of the standing committee on criminal procedure**
- **2020: Vicechair of the Press Complaints Board**

In addition to this I have taught a number of courses for judges and other legal professionals mainly on legislative drafting, family law and recent judgments of the Danish Supreme Court

##### *c. Description of non-legal professional activities*

None

**IV. Activities and experience in the field of human rights**

As a senior legal advisor and later head of division in the Ministry of Justice one of my responsibilities was identifying human rights issues in proposed legislation sent from other ministries for review in the Ministry of Justice

As a High Court Judge and later Supreme Court Judge and Labour Court Judge I have handled numerous cases involving sometimes complex human rights issues. Human rights issues are part of the courses I teach and the books I have written also concern the human rights aspects of family law. While a High Court Judge I was a consultant on a Danida project where I travelled to Uganda to choose magistrates who came to Denmark for training. Examining candidates on their knowledge of human rights was part of the selection process and I also took part in the training focusing among other issues human rights.

**V. Public activities**

None

**VI. Other activities**

None

**VII. Publications and other works**

I am the (co)author of the following books:

- Loven, 2002 (On quality in legislative drafting, 2002)
- Arveloven med kommentarer (Inheritance law, 1<sup>st</sup> edition 2008, 2nd edition 2017)
- Dødsboskifte (Administration of the estates of deceased persons, 2<sup>nd</sup> edition 2012, 3<sup>rd</sup> edition 2022)
- Ægtefælleloven med kommentarer (Marital property regimes, 1<sup>st</sup> edition 2019)
- Retsplejeloven med kommentarer (The Administration of Justice Act 10<sup>th</sup> edition 2018 and 11<sup>th</sup> edition expected in 2023, my contributions to this book concerned criminal procedure)
- In addition I have written a number of articles mainly on family law including an article published in 2013 on the human rights aspects of paternity cases.

**VIII. Languages**

Language	Reading			Writing			Speaking		
	very good	good	fair	very good	good	fair	very good	good	fair
<b>a. First language:</b>									
– Danish	X			X			X		
<b>b. Official languages:</b>									
– English	X			X			X		
– French		X				X			X
<b>c. Other languages:</b>									
– 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, 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 am starting French classes in November and will continue to follow classes in that language.

**X. Other relevant information**

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

If elected I will take up permanent residence in Strasbourg.

## Appendix 3 – Jon Esben HVAM

### 3. Curriculum Vitae

#### I. Personal details

Name, forename: Hvam, Jon Esben

Sex: Male

Date and place of birth: 22 December 1972, Aarhus, Denmark

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
<b>a. First language:</b>									
– Danish	X			X			X		

<b>b. Official languages:</b>									
– English	X			X	X		X	X	
– French			X						X
<b>c. Other languages:</b>									
– 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**

**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.