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COUNCIL OF EUROPE
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Election of the Council of Europe Commissioner for Human Rights

Communication
Committee of Ministers

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1. Letter from the Chairperson of the Ministers' Deputies to the President of the Parliamentary Assembly, dated 23 November 2023

Dear President,

Pursuant to Article 9 of Resolution Res(99)50 on the Council of Europe Commissioner for Human Rights, I would like to inform you that, out of six candidates submitted, the Committee of Ministers, at the 1481st (Budget) meeting of the Deputies (21-23 November 2023), has drawn up a list of three candidates following a voting procedure, the names being presented in alphabetical order so as to indicate that the Committee of Ministers does not wish to express any preference between candidates included in the list.

I enclose a copy of the decision in both official languages.

Yours sincerely,

Signed: Domenik Wanger

President of the Ministers' Deputies

2. Decision of the Ministers' Deputies

Decision CM/Del/Dec(2023)1481/4.1, 23 November 2023, 1481st (Budget) meeting, 21-23 November 2023

4.1. Election of the Council of Europe Commissioner for Human Rights

Reference documents: Res(99)50, CM(2023)181, CM(2023)182, CM(2023)183, CM(2023)185, CM(2023)192, CM(2023)193, CM/Del/Dec(2023)1479/1.4

Decisions

The Deputies

1. agreed, in the light of the withdrawal of the candidate referred to in the Bureau report (CM/Bur/Del(2023)1481), to establish the list of candidates to be sent to the Parliamentary Assembly on 23 November at 11 a.m.;

2. decided to transmit to the Parliamentary Assembly, in accordance with Article 9, paragraph 1, of Resolution Res(99)50, the following list of three candidates, in alphabetical order:

– Ms Meglena KUNEVA presented by Bulgaria

– Mr Manfred NOWAK presented by Austria

– Mr Michael O'FLAHERTY presented by Ireland.

Appendix 1 – Ms Meglena KUNEVA

Letter from Ms Mariya Gabriel, Deputy Prime Minister and Minister of Foreign Affairs of the Republic of Bulgaria, to Ms Marija Pejčinović Burić, Secretary General of the Council of Europe

Sofia, 18 October 2023

Dear Secretary General,

I would like to thank you once again for our fruitful meeting on September 13, 2023. This was an excellent opportunity to discuss our common commitment to the role and responsibility of the Council of Europe in the safeguarding of the values of freedom, democracy, the rule of law and human rights.

Referring to your kind letter, dated July 5, 2023, concerning the election of the next Council of Europe Commissioner on Human Rights, I would like to acknowledge the importance of this post in the field of the protection of human rights.

Therefore, it is my pleasure to inform you that the Republic of Bulgaria proposes the candidature of Ms Meglena Kuneva to be the next Council of Europe Commissioner for Human Rights, for the period 2024-2030.

Ms Meglena Kuneva, Ph. D., has an impressive professional biography (attached). Ms Kuneva served as the Ambassador of the EU to the Council of Europe in the period 2018-2022. Ms Kuneva is an experienced lawyer and lawmaker. She has held numerous prominent public positions, among which Deputy Prime Minister for European Policies Coordination and Institutional Affairs and Minister of Education and Science, as well as Minister of European Affairs and Chief Negotiator of the Republic of Bulgaria in the process of EU accession. Ms Kuneva served as the first Bulgarian member of the European Commission, in the period 2007-2010.

I am convinced that the personal and professional skills, as well as the moral integrity of Ms Meglena Kuneva will be a valuable asset for the Council of Europe. If elected as the next Council of Europe Commissioner for Human Rights, Ms Kuneva will greatly contribute to our joint efforts to implement the ambitious agenda in favour of the protection and promotion of human rights that we have adopted at the highest level at the summit in Reykjavik.

Sincerely,

(Signature)

CURRICULUM VITAE – Ms Meglena KUNEVA

I. Personal details

KUNEVA, Meglena

Female

Born on 22 June 1957 in Sofia, Bulgaria

Nationality: Bulgarian

II. Education, academic and other qualifications

1995, 1999-2000: Georgetown University, Washington DC, US, Post-graduate Programmes in Law School

1996: Environmental Liability, The Hague, the Netherlands, and Oxford Centre, London, UK

1981-1984: Ph.D. in Environmental Law, Sofia University "St. Kliment Ohridski", Sofia, Bulgaria

1975-1981: M.A. in Law, Sofia University "St. Kliment Ohridski", Sofia, Bulgaria

III. Professional activities

2018-2022

Head of the EU Delegation to the Council of Europe

Collaborated to establish a common European stance in conjunction with the Council of Europe and optimal coordination between the two organisations. Regularly participated in meetings of the Ministers' Deputies, presented EU statements and positions, and handled issues of strategic importance, such as EU's accession to the ECHR and EU's participation in GRECO.

2016-2017

Deputy Prime Minister of the Republic of Bulgaria for European Policies Coordination and Institutional Affairs and Minister of Education and Science

2014-2016

Deputy Prime Minister of the Republic of Bulgaria for European Policies Coordination and Institutional Affairs

Responsible for the preparation of the Bulgarian Presidency of the Council of the EU, the coordination of anti-corruption policy and fight against human trafficking

2014

Elected Member of the Bulgarian National Parliament

2010-2012

Special Advisor on passenger rights to European Commission Vice-President Siim Kallas

Chair of the Governing Board of the European Policy Centre

Honorary President of the European Citizen Action Service

Member of the Board of Trustees of the American University in Bulgaria

Chairman of the High-level Group of Governance of the Future, Lisbon Council

Vice President of European Movement International

2007-2010

Member of the European Commission, Brussels, Belgium

My main achievement was making consumer policy more relevant for building the internal market of 21st century. As Commissioner for Consumer Protection, I shifted the policy to services and the digital environment. I was a member of the Competitiveness Group of Commissioners, of the High-Level Dialog Group with China and the Transatlantic Economic Dialog with USA. I introduced the implementation and enforcement of the Consumer Market Scoreboard, European Banking Fees Analysis, Common Electricity Bills, Global governance in product safety and Consumer Sweeps on internet-based services etc. I worked on the adoption of several EU directives, incl. on Consumer Credit, Timeshare, Unfair Commercial Practices and Consumer Rights. I negotiated a commitment between retailers and consumer organisation on sustainable consumption. During my term, I successfully concluded the Memorandum of Understanding on Product Safety with China and brought to the next level cooperation with USA and Japan.

2009

Elected member of the European Parliament

2005-2007

Minister of European Affairs of the Republic of Bulgaria and Chief Negotiator

My second mandate was marked by the successful finalisation of the preparation of Bulgaria for membership in the EU.

2002-2003

Special Representative of the Republic of Bulgaria to the Convention on the Future of Europe

2001-2005

Minister of European Affairs of the Republic of Bulgaria and Chief Negotiator

The main achievement during my mandate was the successful completion of the accession negotiations of Bulgaria to the European Union and signature of the Treaty of Accession to the EU.

2001 and 2005

Twice elected Member of the Bulgarian National Parliament

1990-2001

Senior Legal Advisor, Council of Ministers

Selected accomplishments: Environment Act, Water Act, Right of Information Act, Restitution of Land Act, Cadastre and Land Consolidation Act, Cooperation Act, Waste Management Act, Protected Areas, Forest and Restitution of Forests Act, Agreement with the Council of Europe for Reconstruction of Polluted Lands

1987-1991

Journalist and Editor, Bulgarian National Radio

IV. Activities and experience in the field of human rights

In my political and professional experience, I have worked in many ways to defend human rights – in each field and under all circumstances, implementing human rights standards. It became a cause for me as a graduate from Law School when I chose to work in environmental law, focusing on its civil rights dimension.

As an anchor of a Legal Talk broadcast on the public National Radio, I had regular segments concerning all the Human Rights protected by ECHR. One of the campaigns I eagerly participated in was about the abolition of the Death Penalty, which still existed at that time in the country as an option in the legislation. It resulted in a documentary movie with a strong voice in defending ECHR values.

I participated in many NGOs crucial for the young democracy in the country in the fields of the environment, right to information, and defending individual cases through public advocacy.

Later, in a national capacity, I chaired and coordinated various Councils ranging from trafficking in human beings and the State Agency for Child Protection, to Migration, etc. That experience included undertaking legislative initiatives, convincing stakeholders, and shaping public opinion to place individual human rights at the core of each activity.

At the European Commission, my portfolio was related to the rights of the citizens in the economic and social fields. Part of my efforts was to protect the most vulnerable among them during difficult times (like rights to access crucial services), guaranteeing by the state a certain level of savings in the bank, rights of consumers on the Internet, and environmental sustainability in consumer products.

As an ambassador of the EU at the Council of Europe, I have personally contributed to the joint efforts in overcoming a series of outstanding situations jeopardizing the rule of law, democracy, and human rights in our member States. The grave consequences of Russian aggression against Ukraine, the Covid pandemic, the risks related to the use of AI and new information technologies, and the need for more thorough data protection were among the topical issues impacting the Council of Europe agenda in the struggle to make our continent more democratic, more humane, and more resilient to various threats. I had a first-hand impression of the transformative power of ECHR in the societies of member States but also of the unique role of the Organisation and its added value to other multilateral organisations. As an ambassador of the EU, I consider

the EU's accession to the ECHR and observer status of the EU at GRECO as examples of well-deserved recognition of common efforts. The level of cooperation in the field of the rule of law and in the implementation of ECtHR judgments gave an impetus to human rights.

V. Public activities

Member of the Council of Jean Monnet Institute

Member of the European Commission Committee of Independent Eminent Persons

Chair of the Governing Board of the European Policy Centre (EPC)

Honorary President of the European Citizen Action Service (ECAS)

Member of the Board of Trustees of the American University in Bulgaria

Chair of the High-level Group of Governance of the Future, Lisbon Council

Vice President of the European Movement International (EMI)

VI. Publications and other works

No Fine Print, Siela, Sofia 2012

Europe of Citizens, Colibri, Sofia 2007

Why this anthem – newspaper “Anthem of the Saints Cyril and Methodius”, New Bulgarian University, Sofia 2005

“Bulgaria and the challenges of the new Constitution of the European Union” – newspaper “Constitution, Foreign policy and European constitutional space”, Friedrich Ebert foundation and the Institute for political and law studies, Sofia 2004

Bulgaria 2007 – the future of Europe is in diversity – newspaper “The unseen Europe”, Documents from the archive of Jean Monnet, Sofia 2003

“Comments and practice on the law on concessions” (monograph), Siela, Sofia 2000

Author of the screenplay for the documentary “Stories of murders”, directed by Iglika Trifonova, Great Award “Golden Rose” at the Bulgarian film festival, Varna 1993

VII. Languages

Bulgarian: mother tongue

English: fluent: speaking, reading and writing

French: intermediate: speaking, reading and writing

VIII. Other relevant information

Diplomatic rank: Ambassador Extraordinary and Plenipotentiary

Decorations, Prizes and Distinctions:

2019 – Ordre national du Mérite (Commandeur), France

2003 – Légion d'Honneur, France

2009 – Maltese Ordine pro Merito Melitensi

2008 – European of the year, awarded by “European voice”, for promoting consumer rights in digital environment

2008 – European Commissioner of the year, awarded by “European agenda”

2005 – Gold distinction of the Atlantic Club of Bulgaria

2005 – Order of the Star of Italian Solidarity

2004 – Order of Prince Enrique, Portugal

2002 – Order of Civil Merit, Kingdom of Spain

Appendix 2 – Mr Manfred NOWAK

Letter from Mr Alexander Schallenberg, Federal Minister for European and International Affairs of the Republic of Austria to Ms Marija Pejčinović Burić, Secretary General of the Council of Europe

Vienna, 5 October 2023

Dear Secretary General,

With reference to document CM/Del/Dec(2023)1469/4.1 dated 14 June 2023, I have the honor to present the nomination by Austria of Professor Manfred Nowak for the post of Commissioner for Human Rights. I am fully convinced that Mr Nowak, who currently serves as Secretary-General of the Global Campus of Human Rights in Venice, would be a most qualified candidate for this important position.

His vast experience in the field of human rights and international law as well as human rights education makes Professor Nowak an exceptionally qualified candidate. As you are well aware, Mr Nowak has held a variety of eminent functions at national, regional and international level. He is the founder of the renowned Ludwig Boltzmann Institute of Human Rights in Vienna and has served as its Co-Director for close to 30 years. As Vice-Chair of the Management Board of the EU Agency for Fundamental rights (FRA) he oversaw the work and strategic direction of a regional institution central to human rights work. At the United Nations, he *inter alia* led the Global Study on Children deprived of Liberty as Independent Expert and provided his expertise to the UN Working Group on Involuntary or Enforced Disappearances as well as to the Special Process on Missing Persons in the Former Yugoslavia.

Professor Nowak is without doubt one of Europe's strongest advocates for international law, international humanitarian law and human rights law and has held professorships at numerous universities and education programs to share this expertise with future generations. He benefits from his longstanding experience in engaging with government representatives on politically sensitive matters. I am convinced that Professor Nowak's unique experience, dedication, conviction and in-depth understanding of human rights, as well as his sense of realism, political sensitivity and strategic thinking make him a perfect candidate for this crucial position.

In conclusion, Austria believes that Professor Manfred Nowak is highly qualified for the position of Human Rights Commissioner of the Council of Europe, and I hope that the Members of the Council of Europe and Parliamentary Assembly will support the nomination of Mr Nowak.

Yours sincerely,

(signature)

Letter from Mr Manfred Nowak, candidate for the post of Council of Europe Commissioner for Human Rights 2024-2030

I have devoted my entire professional life to human rights. My career combines theoretical insight with hands-on experience in human rights expert roles and pioneering positions for the United Nations, the Council of Europe, the OSCE, the EU, and other intergovernmental and non-governmental organisations. This experience encompasses numerous fact-finding missions in Europe and globally.

At a time when human rights are under threat even in Europe, it would be a great honour to offer my rich experience and skills in human rights diplomacy to the Council of Europe as Commissioner for Human Rights. My goal is to improve the concrete human rights situation in Europe.

You first need to dream it to do it! The major crises of our time can only be resolved by joining forces on a human rights based approach.

(signature)

CURRICULUM VITAE – Mr Manfred NOWAK

I. Personal details

NOWAK, Manfred

Male

Born on 26 June 1950 in Bad Aussee, Austria

Nationality: Austrian

II. Education, academic and other qualifications

Dr. Habil of Constitutional Law at the University of Vienna, 1986

LL.M at Columbia University in New York, 1975

Dr. Iuris at the University of Vienna, 1973

III. Professional activities

Secretary General of the Global Campus of Human Rights (formerly European Inter-University Centre for Human Rights and Democratisation), since 2016

The Global Campus of Human Rights is the most extensive human rights education network in the world. Building on more than two decades of excellence in education, training and research within the fields of human rights and democratisation, it consists of about 100 leading universities. The network is coordinated by eight regional hubs, based in Venice (for Europe), Sarajevo/Bologna (for South East Europe), Pretoria (for Africa), Bangkok (for the Asia Pacific), Yerevan (for the Caucasus), Buenos Aires (for Latin America and the Caribbean), Beirut (for the Arab World) and Bishkek (for Central Asia) – each offering a Master's Programme in Human Rights and Democratisation. Beyond these programmes, the Global Campus engages in a wide range of additional activities to build capacity and raise awareness of human rights and democratisation. The Global Campus partners have trained and supported generations of human rights experts now active in various capacities in almost every corner of the world – thereby establishing a wide-reaching network of highly skilled human rights defenders working in passionate service of humanity.

Some of the priorities during my tenure as Secretary-General are:

– Global integration: In 2019, the European Inter-University Centre for Human Rights and Democratisation became the Global Campus of Human Rights, with its headquarters in Venice and then seven, now eight regional hubs promoting human rights education in different world regions.
– Regional expansion: In 2023, we have launched an eighth regional Master's programme on Human Rights and Sustainability in Central Asia in co-operation with the OSCE and EU, targeting the five Central Asian countries, Afghanistan and Mongolia.
– Children's rights: I have initiated a 20-year co-operation with the Swedish Foundation 'Right Livelihood' (awarding the annual Right Livelihood Award / 'Alternative Nobel Prize') with a focus on mainstreaming children's rights across the Global Campus regions and conducting various projects on the promotion of children's rights, including strategic litigation initiatives, research and trainings. The thematic focus has been broadened to also include climate justice and artificial intelligence.
– Human rights defenders/experts at risk: I have established specific support programmes and initiatives directly supporting human rights experts and defenders at risk, including a scholarship programme for Afghan students/scholars following the Taliban takeover, and a support scheme for exiled human rights defenders.

https://gchumanrights.org/

Scientific Director, Vienna Master of Applied Human Rights at the University of Applied Arts Vienna, since 2020

The Vienna Master of Arts in Applied Human Rights is worldwide the first Master program that combines the arts with human rights. It offers students an in-depth interdisciplinary education in the history, philosophy, politics, various forms of arts as well as legal dimension of the international human rights standards and their protection mechanisms by international organisations, such as the United Nations, the Council of Europe, the European Union, the African Union or the Organization of American States. In addition to the theoretical foundations, the Vienna Master teaches practical skills necessary for the work of a human rights practitioner, ranging from communication skills to project management, and it teaches artistic strategies to be used in disseminating human rights messages.

https://appliedhumanrights.uni-ak.ac.at/

Co-Founder and Board Member of the Vienna Forum for Democracy and Human Rights, since 2020

The Vienna Forum for Democracy and Human Rights is a non-profit association active in research, policy, teaching and training in the fields of human rights, democracy and the rule of law. It is based in Vienna, Austria.

https://www.humanrights.at/en/

Independent Expert leading the United Nations Global Study on Children Deprived of Liberty, 2016-2019

The UN Global Study on Children Deprived of Liberty, published in 2019, is a comprehensive Study conducted by myself together with a UN Task Force including the relevant UN Agencies, more than 100 NGOs, a large team of experts from all over the world and 274 children who were interviewed. The findings of the Study concern six thematic areas in which children are deprived of liberty: juvenile justice, detention with their primary caregivers, for migration-related reasons, in institutions, in the context of armed conflict or on national security grounds. The Study also focuses on the gender dimension, the impact on the health of the children and children with disabilities, as well the views and perspectives of children themselves. In addition to other findings related to the specific thematic areas, this comprehensive publication also contains a large set of recommendations.

As a follow-up to the Study, I have co-ordinated many activities at the Global Campus of Human Rights in cooperation with Right Livelihood, in order to implement these recommendations.

https://www.ohchr.org/en/treaty-bodies/crc/united-nations-global-study-children-deprived-liberty

https://gchumanrights.org/research/projects/un-global-study/about.html

Founder and Scientific Co-Director of the Ludwig Boltzmann Institute of Human Rights in Vienna, 1992-2019

The Ludwig Boltzmann Institute of Human Rights is an independent human rights research and training institution and acted as a human rights think-tank. I co-founded the institute together with Felix Ermacora and Hannes Tretter in 1992 under the umbrella of the Ludwig Boltzmann Society and in co-operation with Vienna University. We focused the institute's work on human rights research on the national, European and the international level and aimed at contributing to a just global society, in which every person can enjoy civil, political, economic, social and cultural rights. We actively pursued multidimensional and interdisciplinary pathways towards human rights issues. In light of the inseparable relation between standards and their implementation, it was our objective to offer a link between academic research and practitioners by following a translational research concept. In addition, the institute provides outreach and human rights expertise through academic publications, teaching and training.

Upon request of the Austrian Ministry of Foreign Affairs, we coordinated more than 400 parallel activities of more than 1,500 NGOs and a large NGO Forum with more than 3,000 participants during the 2nd UN World Conference on Human Rights in Vienna in June 1993.

We also carried out an empirical study into ethnic cleansing operations in the East Bosnian town of Zvornik, which was used by the International Criminal Tribunal for the former Yugoslavia.

As the Austrian Focal Point we carried out many WU Twinning projects in many different European countries.

In this role, I also served as Chair of Cost Action "The Role of the EU in UN Human Rights Reform", 2009-2013.

The Ludwig Boltzmann Institute was awarded the Bruno Kreisky Prize for Human Rights for Outstanding Achievements for Services to International Human Rights, Vienna, Austria in 2005.

Professor of International Law and Human Rights at the University of Vienna, 2008-2016

Besides holding the Chair of International Law and Human Rights, I held additional roles at the University of Vienna:

– Head of the Interdisciplinary Research Centre Human Rights at the University of Vienna, 2014-2018.

– Scientific Director of the Vienna Master of Arts in Human Rights at the University of Vienna, 2012-2021.

– Head of the Inter-Disciplinary Research Platform “Human Rights in the European Context” at the University of Vienna, 2008-2014.

– Head of the Inter-Disciplinary PhD Research School “Empowerment through Human Rights” at the University of Vienna, 2009-2013.

Besides my Professorship at the University of Vienna, I was Visiting Professor at a range of other universities in my academic career:

– Holder of the Austrian Visiting Chair at the University of Stanford in the United States of America, 2014.

– Swiss Chair of Human Rights at the Graduate Institute of International and Development Studies in Geneva, 2008-2009.

– Visiting Professor at the European Inter-University Centre for Human Rights and Democratisation (EUIC) in Venice, 2004.

– Olof Palme Visiting Professor on Human Rights at the Raoul Wallenberg Institute of Human Rights and Humanitarian Law (RWI) at the University of Lund, 2002-2003.

United Nations Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment, 2004-2010

During my two-term mandate, I conducted fact-finding missions to Georgia, Mongolia, Nepal, China, Jordan, Paraguay, Nigeria, Togo, Sri Lanka, Indonesia, Denmark and Greenland, Moldova, Equatorial Guinea, Uruguay, Kazakhstan, Jamaica, Papua New Guinea, and Greece. I further published Joint Reports with other UN Special Procedures on Guantanamo Bay, Darfur and Secret Detention in the Fight against Terrorism.

UN Expert on Disappearances, 2001-2006

During my mandate, I examined the existing international criminal, humanitarian and human rights framework for the protection of persons from enforced or involuntary disappearances. I also served as Adviser to the Working Group of the Commission on Human Rights drafting the Convention for the Protection of all Persons from Enforced Disappearance, which was adopted by the General Assembly in December 2006.

Judge at the Human Rights Chamber for Bosnia-Herzegovina in Sarajevo elected by the Committee of Ministers of the Council of Europe, 1996-2003

The Human Rights Chamber was established under the Dayton Peace Agreement of 1995 as the highest court in Bosnia and Herzegovina with the function of ruling on individual complaints concerning alleged violations of human rights, as provided for in the European Convention on Human Rights and 15 other European and international human rights treaties. These complaints were directed against the State of Bosnia and Herzegovina and its two Entities, the Federation of Bosnia and Herzegovina and the Republika Srpska. I served as one of eight international judges at the court, and as the Chamber’s Vice-President in 1998. During these eight years we handed down many thousands of binding judgments on many different human rights issues, including property questions, discrimination on the basis of ethnic identity and religion in the access to economic, social and cultural rights, arbitrary detention, torture, freedom of movement, enforced disappearances etc.

Professor of Law and Head of the Legal Department at the Austrian Federal Academy of Public Administration in Vienna, 1989-2002

The Federal Academy of Public Administration is the central advanced training institution for the federal administration, providing practical advanced training for federal administration staff. I was heading the Legal Department and held a Law Chair at the Academy.

Expert Member of the UN Working Group on Involuntary or Enforced Disappearances, 1993-2001

The UN Working Group on Involuntary or Enforced Disappearances is the first thematic special procedure of the United Nations, established in 1980. It serves as a channel of communication between family members of victims of enforced disappearance and other sources reporting cases of disappearances, and the Governments concerned. During my mandate, we dealt with more than 50,000 cases of disappearances in all world regions. I conducted fact-finding missions to Yemen and Sri Lanka, where we could solve some 4,000 open cases.

UN Expert in Charge of the Special Process on Missing Persons in the Former Yugoslavia, 1994-1997

As member of the UN Working Group on Involuntary and Enforced Disappearances, I was further appointed UN Expert in charge of the Special Process on Missing Persons in the Former Yugoslavia, where we dealt with more than 30,000 cases of missing persons, above all in Bosnia and Herzegovina and Croatia. In this role, I started a process of identification of missing persons through exhumation of mortal remains. I further initiated the International Commission on Missing Persons (ICMP).

Director of the Netherlands Institute of Human Rights (SIM) at the University of Utrecht, 1987-1989

Established in 1981, the Netherlands Institute of Human Rights (SIM) is one of the oldest human rights research and documentation centres worldwide and the key centre of expertise of human rights research and education at Utrecht University. SIM offers internationally oriented study programmes, conducts interdisciplinary research and organises a range of activities in the field of human rights. I served as the Institute's Director, and still serve on the Editorial Board of the Netherlands Quarterly of Human Rights.

Assistant and Associate Professor at the Institute of Constitutional and Administrative Law of the University of Vienna, 1973-1987

After finishing my law studies at the Universities of Linz and Vienna, I worked as Assistant and Associate Professor of Constitutional and Administrative Law at the University of Vienna under the guidance of Felix Ermacora, one of the pioneers of human rights in Austria and, inter alia, long term member of the then European Commission of Human Rights. During this period, I also completed my habilitation thesis on political rights. I took sabbatical leaves for research and field studies in the USA (Columbia University New York), Latin America, Africa, UK (LSE London), Netherlands (Institute of Public and European Law, University of Amsterdam), Germany (Institute of Public and European Law, University of Bielefeld), and the United Nations in Geneva.

IV. Activities and experience in the field of human rights

In the following, I am listing further professional appointments and memberships in the field of human rights in addition to my human rights career as outlined above.

Current positions:

Chair of an International Review Committee appointed by the Government of Taiwan, on the ICCPR/ICESCR since 2012, and on the ICERD since 2023.

Member of the Board of Directors of DIGNITY (Danish Institute Against Torture) in Copenhagen, since 2020.

Member of the Advisory Board of the European Forum Alpbach, since 2016.

Chair of the Scientific Advisory Board of the Sir Peter Ustinov Institute in Vienna, since 2013.

Member of the Advisory Board of the European Centre for Constitutional and Human Rights (ECCHR) in Berlin, since 2011.

Vice-President of the Austrian UNESCO Commission, since 2010.

Member and Honorary Member of the International Commission of Jurists (ICJ) in Geneva, since 1995.

Member of the Board / Advisory Board of the Association for the Prevention of Torture (APT) in Geneva, since 1992.

Member of the Advisory Board of the All Survivors Project (ASP) in Vaduz/London, since 2020.

Former positions:

Vice-Chair of the Management Board of the EU Agency for Fundamental Rights (FRA) in Vienna, 2012-2017.

Fralex Senior Expert/International Expert to the European Union Fundamental Rights Agency (FRA), established in March 2007, 2007-2012.

Member of the OMV (International Oil and Gas Company) Advisory Board for Resourcefulness, 2012-2017.

Head of a Visiting Commission of the Austrian Ombudsman Board (National Mechanism for Prevention of Torture), 2012-2015.

Austrian National Director Representing the University of Vienna in the EMA (European Master's Degree in Human Rights and Democratisation) Programme, appointed by the Rector of the University of Vienna, 1998-2016; and Chairperson of the EMA Programme elected by the EMA Council, 2000-2007.

Consultant for the Danish Institute for Human Rights, 2010-2015.

Member of the Austrian Monitoring Committee established in accordance with Article 33 of the UN Convention on the Rights of Persons with Disabilities, 2008-2012.

Head of an Independent Human Rights Commission at the Austrian Ministry of Interior (under the Human Rights Advisory Board of the Ministry) which included preventive visits to places of police detention and control of the use of force by Austrian law enforcement personnel, 2000-2012.

Member of the Coordinating Committee of UN Special Procedures, 2009-2010.

Member and Rapporteur of a Panel of Eminent Persons (later renamed to Panel on Human Dignity) selected by the Swiss Foreign Minister to draft and promote an Agenda for Human Rights, which was launched in Geneva on 5 December 2008, 2008-2010.

Member of the EU Network of Independent Experts on Fundamental Rights (a network set up by the European Commission on the Initiative of the European Parliament, which published, inter alia, Annual Reports on the Situation of Human Rights in the EU and its Member States), 2002-2006.

Consultant to the UN High Commissioner for Human Rights on a human rights based approach to poverty reduction strategies, which led to the adoption of the principles and guidelines for a human rights approach to poverty reduction strategies, 2001-2006.

Member of the Austrian Delegation to the UN Commission on Human Rights, 1986-1993.

V. Public activities

Please see above – many of the previously listed activities are of a public nature.

VI. Other activities

Since my work has always focused on the protection and promotion of human rights, my activities have been detailed in the previous sections.

VII. Publications and other works

I have authored more than 600 publications in the fields of constitutional, administrative and international law, human rights as well as development studies. I am further Editor or Advisory Board Member of periodicals and series, e.g. European Yearbook on Human Rights, Netherlands Quarterly of Human Rights, Austrian Review of International and European Law (ARIEL), BIM Human Rights Study Series, Taiwan Human Rights Journal, "All Human Rights for All" (Study Series of the Vienna Master of Human Rights).

Selected publications:

2022, Elgar Encyclopedia of Human Rights (edited together with Christina Binder, Jane A. Hofbauer, Philipp Janig), 4 volumes, Elgar, Cheltenham/Northampton 2022, 2288 pages.

2020, The European Union and Human Rights: Law and Policy (edited together with Jan Wouters, Anna-Luise Chané and Nicolas Hachez), Oxford University Press, Oxford 2020, 634 pages.

2019, The United Nations Convention against Torture and its Optional Protocol – A Commentary (2nd edition, together with Moritz Birk and Giuliana Molina), Oxford University Press, Oxford 2019, 1306 pages.

2018, Using Human Rights to Counter Terrorism (edited together with Anne Charbord), Elgar Studies in Human Rights, Edward Elgar Publishing House, Northampton, 384 pages.

2018, Torture – An Expert's Confrontation with an Everyday Evil, University of Pennsylvania Press, Philadelphia, 191 pages.

2017, Human Rights or Global Capitalism, The Limits of Privatisation, Pennsylvania Press, Philadelphia, 256 pages.

2012, All Human Rights for all– Vienna Manual on Human Rights (edited together with Karolina Januszewski, Tina Hofstätter), Vienna/Graz, 672 pages.

2003, Introduction to the International Human Rights Regime, Leiden 2003 (Spanish translation 2009, Chinese translation 2010), 365 pages.

1994, Europarat und Menschenrechte (editor), Bd. 4 der Verwaltungswissenschaftlichen Studien der Verwaltungsakademie des Bundes, Wien 1994, 204 pages.

1993, U.N. Covenant on Civil And Political Rights – CCPR Commentary, N. P. Engel Publisher, Kehl/ Strasbourg/Arlington (2nd edition 2005, Chinese translations 2003 and 2008), 1277 pages, 3rd edition by William A. Schabas 2019, 1171 pages.

1993, Monitoring Human Rights in Europe, Comparing International Procedures and Mechanisms (edited together with Arie Bloed, Liselotte Leicht and Allan Rosas), Dordrecht 1993, 338 pages.

1983, Die Europäische Menschenrechtskonvention in der Rechtsprechung der österreichischen Höchstgerichte (edited together with Felix Ermacora and Hannes Tretter), Braumüller Verlag, Wien 1983, 732 pages.

VIII. Languages

a. Mother tongue:

German

b. Official languages

– English: fluency in speaking, reading, writing
– French: basic knowledge

c. Other languages

– Dutch: fluency in speaking and reading, good knowledge in writing
– Spanish: basic knowledge

IX. Other relevant information

Awards and Recognitions:

Dr. Honoris Causa, Abo Akademi University in Turku, Finland, 2022.

Prize for Humanities, Cultural Studies, Social Sciences And Law, City of Vienna, Austria, 2018.

ICDO Excellence Award, International Cultural Diversity Organisation, Vienna, Austria, 2018.

Best Book Award For “Human Rights or Global Capitalism”, American Political Science Association, Washington, US, 2018.

Dr. Honoris Causa, University of Bucharest, Rumania, 2017.

Egon Ranshofen-Wertheimer-Award, Braunau, Austria, 2015.

Golden Otto Hahn Medal of Peace for the Achievements in the Field of Human Rights, United Nations Association of Germany, Berlin, Germany, 2014.

University of Oslo’s Lisl and Leo Eitinger Human Rights Award, Oslo, Norway, 2013.

Prof. et Dr. Honoris Causa, Eötvös Lorand University Budapest, Hungary, 2012.

Human Rights Award, Panteion University Athens, Greece, 2010.

Human Rights Medal, University of Magdeburg, Germany, 2008.

Bruno Kreisky Prize for Human Rights for Outstanding Achievements for Services to International Human Rights, Vienna, Austria, 2007.

UNESCO Prize for the Teaching of Human Rights (Honourable Mention) in Recognition of the Outstanding Contribution to the Development of the Teaching of Human Rights, Paris, France, 1994.

Appendix 3 – Mr Michael O'FLAHERTY

Letter from Mr Micheál Martin TD, Tánaiste, Minister for Foreign Affairs of Ireland to Ms Marija Pejčinović Burić, Secretary General of the Council of Europe

Dublin, 28 September 2023

Dear Secretary General,

Thank you for your letter of 5 July 2023 concerning the opportunity to nominate candidates for the role of Council of Europe Commissioner for Human Rights.

Ireland greatly values the Commissioner role, and has been greatly impressed with the word done by Ms Dunja Mijatović during her tenure.

I am delighted to nominate Mr Michael O'Flaherty, current Director of the European Union Agency for Fundamental Rights, as Ireland's candidate for the role of Council of Europe Commissioner for Human Rights. Mr O'Flaherty has extremely strong credentials for this role, having previously served as Professor of Human Rights Law and Director of the Irish Centre for Human Rights at the National University of Ireland, Galway, as Chief Commissioner of the Northern Ireland Human Rights Commission and as a Member of the UN Human Rights Committee.

You will find Mr O'Flaherty's biographical note attached.

Yours sincerely,

(signature)

CURRICULUM VITAE – Mr Michel O'FLAHERTY

I. Personal details

O'FLAHERTY, Michael Cornelius John

Male

Born on 5 March1959 in Galway, Ireland

Nationality: Irish

www.michaeloflaherty.org

II. Education, academic and other qualifications

Higher Doctorate in Laws (LLD) – doctorate awarded on the basis of academic publications – National University of Ireland, 2019.

Master of Philosophy (Human Rights) University of Amsterdam, 1993.

Master of Arts in International Relations, School of International Relations University of Amsterdam, 1993.

Bachelor of Theology, Pontifical Gregorian University, Rome, 1987.

Bachelor of Philosophy, Pontifical Gregorian University, Rome, 1984.

Solicitor of the Courts, Law Society of Ireland, 1983.

Bachelor of Civil Law, University College Dublin (National University of Ireland), 1980.

III. Professional activities

Director of the European Union Agency for Fundamental Rights (FRA), since 2015

The Fundamental Rights Agency (FRA) is an agency of the European Union. It supports the EU and its Member States to be human rights-compliant in law, policy, and practice. FRA undertakes applied research, delivers legal and policy advice, carries out capacity-building activities and provides numerous other supports

to governments, civil society, the private sector, and other actors. As the Agency's director, I have overall responsibility for its management and leadership. Appointed in 2015, I was re-appointed for a non-renewable three- year term in 2020. My period of office ends on 15 December 2023.

FRA's current priorities include supporting the human rights of: people fleeing Ukraine, migrants at EU external borders, the Roma and Jewish communities and children in the justice system; as well as the combat of racism and the development of strong human rights oversight of artificial intelligence.

Other priorities during my term as director have included:

– Strengthening partnerships for human rights including with the faith and cultural communities.

– Improving the communication of human rights messages.

– Supporting the work of human rights civil society.

My establishment of the biennial Fundamental Rights Forum has facilitated the delivery of many of these priorities. The forum (which will next take place in 2024) has grown to be the largest periodic human rights gathering of the EU.

Elected Member, the United Nations Human Rights Committee, 2004- 2012

Two-term member (latterly as Vice-chair) of the United Nations Human Rights Committee, Geneva, Switzerland. The Committee, comprised of elected UN Experts, monitors compliance by the 167 States Parties with the International Covenant on Civil and Political Rights.

Appointed as rapporteur, I was principal drafter of the Committee's General Comment on the freedoms of opinion and expression (General Comment 34). This statement of the application of article 19 of the ICCPR has shaped subsequent practice and discourse on these primordial human rights at the UN and elsewhere.

During my eight years of membership, I also served as Rapporteur for 67 Views (decisions regarding complaints by individuals to the Committee concerning state practice) and for 40 Concluding Observations on State Party Periodic Reports.

Chief Commissioner, Northern Ireland Human Rights Commission, 2011-2013

The Northern Ireland Human Rights Commission is the statutory national human rights institution for that jurisdiction. Established pursuant to the Northern Ireland 'Good Friday' peace agreement it holds 'A Status' in terms of its compliance with the UN standards for such bodies. During my term of office, I made the Commission more visible at local levels through visits to all the towns within the territory. Other highlights of my term included ensuring visits to Northern Ireland of high-level UN and Council of Europe officials, re-opening discussion of a programme of transitional justice and negotiating a unique programme of human rights and equality training for government officials.

Full Professor of Human Rights and Director of university-based human rights centres, University of Nottingham, United Kingdom, and the University of Galway, Ireland, 2003-2015

Beyond the regular professorial roles of research and teaching, I led several large-scale human rights projects that impacted for law, policy, and practice:

Human Rights Field Operations. I secured a major multi-year grant to lead a team researching the human rights field operations of the UN. This work was carried out worldwide in close cooperation with multiple UN entities. It resulted in numerous publications, manuals, and other capacity building tools. The project contributed to the development of a clear professional identity and substantive content for human rights field work.

The UN Human Rights Treaty Body System. I conceptualised and convened international consultations over a two-year period on the strengthening of the UN human rights treaty bodies (what has become known as 'the Dublin Process'). The outcome document that I drafted was heavily drawn from in the action points of the subsequent UN General Assembly resolution on the topic.

Human rights, sexual orientation, and gender identity. I served as rapporteur of a global process to clarify the application of international human rights law as regards sexual orientation and gender identity, 'the Yogyakarta Principles'. The principles have been impactful for law, policy, and practice at the Council of Europe, the UN and at the level of states worldwide.

United Nations, 1993-1997, 1998-2003

UNICEF, Innocenti Research Centre, 2002-2003

I led the research programme in child protection and undertook extensive external representation to governments, civil society, other UN entities and international organisations. Highlights of the period included my leadership of the drafting team for child protection guidelines that were subsequently adopted by the European Union and participation in the development of Council of Europe guidelines against child trafficking.

Office of the High Commissioner for Human Rights (OHCHR), 2000-2002

My principal role was Coordinator of the OHCHR Asia-Pacific team. In this capacity I guided development of the OHCHR engagement with Timor Leste, Afghanistan, China and elsewhere. I also established the first field programmes of OHCHR in the Pacific region and led the secretariat for inter-state consultations on human rights among Asia-Pacific states.

Department of Peacekeeping Operations, 1998-2000

I established and served as Chief of the human rights section of the Sierra Leone missions – UNAMSIL and UNOMSIL. In the absence of any established methodologies for such a mission, I conceptualised and implemented a programme of monitoring, reporting, and human rights capacity building, engaging with the government, the rebel forces, the regional peacekeepers, the DPKO mission, OHCHR and national civil society. Our interventions with fighting forces were sometimes successful, saving lives and releasing children from captivity. I succeeded in ensuring participation of human rights civil society in the peace talks and began the processes that would lead to the establishment of the Truth and Reconciliation Commission and the national human rights institution.

Following my redeployment to Geneva I frequently returned to Sierra Leone to represent the High Commissioner for Human Rights in the peacebuilding process.

I was a witness for the prosecution in all the trials at the Sierra Leone Special Court, including that of the Liberian President, Charles Taylor.

OHCHR, Sarajevo (Seconded to the Office of the High Representative in Bosnia and Herzegovina), 1996-1997

Expert Advisor on Human Rights under the Dayton Peace Accords and field- based Focal Point for the UN Human Rights Special Rapporteur for Former Yugoslavia.

United Nations Centre for Human Rights, 1995-1996

Secretary of the Committee on the Elimination of Racial Discrimination.

United Nations Centre for Human Rights, 1993-1995

I established the first human rights field office of the UN in Bosnia-Herzegovina and also served as its desk officer for former Yugoslavia.

Independent consultant on human rights, rule of law and democratisation, 1997-1998

– Initiator and Facilitator of the Working Group on Victims' Rights of the NGO Coalition for an International Criminal Court (for The Redress Trust).
– Design of The Bosnia and Herzegovina Foundation for Democracy (for International IDEA and the European Union).
– Action plan for reestablishment of the Irish Centre for Human Rights (for University College Galway).

Roman Catholic Priest, 1987-1992

Pastoral work with young people, prisoners and a local community. I retired from the priesthood in 1993 when I took up international human rights work.

Other professional activities

Current:

Adjunct Full Professor, School of Law, University College Dublin, Ireland. Adjunct Professor, University of Maynooth, Ireland.

Fellow, The Royal Society of the Arts, United Kingdom.

Member of numerous international advisory boards of civil society organisations and of human rights journals.

Previous:

Chairperson, Irish Penal Reform Trust. Vice-chairperson, Universal Rights Group.

Member, the UK Foreign and Commonwealth Office Secretary of State's advisory bodies on the combat of torture and on freedom of expression on the internet.

Elected member, General Assembly of L'Organisation Mondiale Contre la Torture;

Elected member, General Assembly of Geneva for Human Rights.

Member, the Human Rights Advisory Committee of the Department of Foreign Affairs of Ireland.

Member, Council of the European Inter-university Centre for Human Rights and Democratisation, Venice.

Elected member, Executive Committee, European Human Rights Master Programme, Venice.

Member, the International Research Network on Human Rights and Conflict Resolution.

Advisor to: Several national and international human rights non- governmental organizations; EU Council presidencies; Council of Europe; OSCE; UNOHCHR; UNICEF; Sierra Leone Special Court; UN Missions in various countries.

IV. Activities and experience in the field of human rights

Please see above. All of my professional activities since 1993 have been in the field of human rights.

V. Public activities

Please see above, including my current role as Director of the EU Agency for Fundamental Rights, my leadership of the Northern Ireland Human Rights Commission, membership of the United Nations Human Rights Committee and my leadership of UN human rights field operations in conflict and post-conflict locations.

VI. Other activities

My activities are listed comprehensively above.

VII. Publications and other works

Learned publications in the field of human rights: Nine volumes and some 70 academic articles, book chapter and other publications.

In addition, at my website can be found numerous speeches as well as recordings of my recent TEDx Talk and other videos setting out my views on key human rights issues of today. The material is organised around the following categories:

– Stand up for the Human rights of the People of Ukraine.

– Defend Human Rights Law and Institutions.

– Build Fair and Equal Societies.

– Stand up for Forgotten People.

– Women's Rights are Human Rights.

– Strengthen the Human Rights toolbox.

– Build New Human Rights Alliances.

– Regulate Artificial Intelligence.

– Go local. www.michaeloflaherty.org

Twelve examples of my published work in the field of human rights:

Books:

HUMAN RIGHTS DIPLOMACY: CONTEMPORARY PERSPECTIVES, Ed., (with Z. Kedzia, et al.), Brill, 2011.

THE HUMAN RIGHTS FIELD OPERATION, LAW, THEORY AND PRACTICE, Ed., Ashgate, 2007.

HUMAN RIGHTS AND THE UN: PRACTICE BEFORE THE TREATY BODIES, Kluwer, 2002 (fully revised second edition).

POST-WAR PROTECTION OF HUMAN RIGHTS IN BOSNIA AND HERZEGOVINA, Ed. (with G. Gisvold), Martinus Nijhof, 1998.

THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS: INTERNATIONAL HUMAN RIGHTS LAW IN IRELAND, with Liz Heffernan, Brehon/Sweet and Maxwell, 1995.

Academic articles/book chapters:

Irish Foreign Policy and Human Rights, in S. Egan Ed., INTERNATIONAL HUMAN RIGHTS: PERSPECTIVES FROM IRELAND, Bloomsbury, 2015.

Limitations on Freedom of Expression: Growing Consensus or Hidden Fault Lines, PROCEEDINGS OF THE 106th ANNUAL MEETING, American Society of International Law, 106 ASIL Proc. 214 (2013).

Freedom of Expression: Article 19 of the International Covenant on Civil and Political Rights and the Human Rights Committee's General Comment 34, Human Rights Law Review, 2012.

Sexual Orientation, Gender Identity and International Human Rights Law: Contextualizing the Yogyakarta Principles, with John Fisher, Human Rights Law Review, May 2008.

The Role of the Human Rights Community in the Sierra Leone Peace Process, Human Rights Quarterly, March 2004.

The Reporting Obligation under Article 40 of the International Covenant on Civil and Political Rights: Lessons Learned from the Consideration by the Human Rights Committee of Ireland's First Report, Human Rights Quarterly, 16 (1994).

VIII. Languages

a. Mother tongue

English

b. Official languages

– English: Mother tongue

– French: CEFR level B2

c. Other languages

– Italian: CEFR level B1