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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 Lithuania

Communication
Secretary General of the Parliamentary Assembly

Contents **Page**

1. List and curricula vitae of candidates submitted by the Government of Lithuania 3

2. Information on national selection procedure for the position of a judge of the European Court of Human Rights 3

Appendix 1 – Curriculum Vitae of Lyra JAKULEVIČIENĖ 6

Appendix 2 - Curriculum Vitae of Gediminas SAGATYS 11

Appendix 3 - Curriculum Vitae of Edita ŽIOBIENĖ 17

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

Letter from Ms Agne Martinez, Chargée d' Affaires, a.i., Permanent Representation of the Republic of Lithuania to the Council of Europe, to Ms Chatzivassiliou-Tsovilis, Secretary General of the Parliamentary Assembly, dated 27 November 2023.

Pursuant to Resolution CM/Res(2010)26, the Permanent Representation of the Republic of Lithuania to the Council of Europe has the honour to submit to the Parliamentary Assembly of the Council of Europe the Curriculum vitae of selected Lithuanian candidates and information on the process of selection and nomination of Lithuanian candidates for election as Judge to the European Court of Human Rights.

Please be informed that Advisory panel of Experts on Candidates for Election as Judge to the European Court of Human Rights concluded that all three candidates satisfy the minimal requirements, and that national selection procedure does not raise any particular issue.

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

By a letter of 6 May 2021, the Secretary General of the Parliamentary Assembly of the Council of Europe invited Lithuania to submit a list of three candidates for the position of Judge to the European Court of Human Rights (hereinafter referred to as "the Court").

Subsequently, national selection procedure was conducted in the beginning of 2022. Upon the completion of this procedure by a specially formed working group, the President of the Republic of Lithuania, on the basis of the proposal made by the Prime Minister, submitted the list of the following three candidates: Lyra Jakulevičienė, Aistė Račkauskaitė-Burneikienė and Gediminas Sagatys.

[…]

With due consideration of the Advisory Panel’s opinion, Lithuania decided, firstly, to adopt a new legislation regulating the national selection process, and then to carry out a new procedure for the selection of candidates for election as Judge to the Court.

Amendments to the Law on the Government of the Republic of Lithuania were initiated. They were adopted by the Seimas of the Republic of Lithuania on 23 December 2022 and entered into force on 31 December 2022. The adopted amendments concerned the procedure of selection of candidates for election as Judge to the Court, as well as the Judge and Advocate General to the Court of Justice of the European Union (hereinafter referred to as "CJEU"). To ensure the proper implementation of these amendments to the Law on the Government, on 2023 February 22 a resolution no. 106 of the Government of the Republic of Lithuania was adopted. This resolution establishes a selection procedure of candidates for Judge to the Court, as well as Judge and Advocate General to the CJEU.

A newly established procedure includes, among other provisions, the following:

– Implementation of a consistent and permanent selection procedure, as mandated by law, for the Judges to the Court, as well as the Judges and Advocates General to the CJEU (before the amendments, no legal acts defined a permanent selection procedure; instead, ad hoc procedures were adopted for each specific selection). Legal acts outlining the selection procedure are published in the national Register of Legal Acts and, thus, accessible to the public;

– Selection is open to anyone satisfying the criteria established in the ECHR, no proposition of the applicants by the third parties is needed;

– A reasonable period of time should be given for the submission of applications: no less than 20 working days, with a possibility to extend it by up to 10 working days;

– The identification of the best candidates is entrusted to a working group established by a decree of the Prime Minister for each specific selection procedure. The composition of the working group is set up by law. Art. 53(2) of the Law on the Government establishes that the working group shall be composed of seven members: a judge delegated by the Constitutional Court (chairman of the working group), a judge delegated by the Supreme Court of Lithuania, a judge delegated by the Supreme Administrative Court of Lithuania, a judge delegated by the Judicial Council (an executive self-governing body of the judiciary), a representative delegated by the Council of the Lithuanian Bar Association, a representative delegated by the Seimas Ombudsmen's Office of the Republic of Lithuania (a national institution of human rights), a representative delegated by the Lithuanian Lawyers’ Association;

– The task of the working group is to select all candidates meeting the requirements set out in the ECHR. The assessment is based on the documents submitted and the selection interviews. The working group selects and makes a list of all the candidates who meet the requirements of the ECHR and who score at least 8 out of 10 points;

– The working group notifies the Minister of Justice about the list of selected candidates. The Minister of Justice informs the Prime Minister, who, after assessing all the nominations submitted, makes a reasoned proposal to the Government on the specific three candidates to be nominated for the position of a Judge to the Court;

– Subsequently, candidates for election as Judge to the Court are nominated by the Government with the consent of the President and in consultation with the Seimas. Therefore, a consensus among these three national institutions in respect to any candidature is a prerequisite for the nomination;

– Legal acts mandate that the beginning and the other stages of the selection process be widely publicised. This includes making public the composition of the working group (full names and positions); the start of the selection procedure, its deadlines and candidate requirements; all applicants listed by full name in alphabetical order and links to their CVs in Lithuanian; all candidates selected by the working group listed by their full name in alphabetical order; final three candidates nominated by Government with consent of the President and the Seimas. It is explicitly required that the information on the selection procedure shall be made public (disseminated to the media, through social networks, etc.) and, in order to ensure the widest possible dissemination of information, sent to the faculties of law of Lithuanian universities, the Judicial Council, the Lithuanian Bar Association, the Prosecutor General's Office of the Republic of Lithuania, the Lithuanian Lawyers' Association, the Seimas Ombudsmen's Office of the Republic of Lithuania, with the request to publish similar information on their websites.

The selection procedure in question was organised in accordance with the newly approved legal acts governing the national selection procedure for Judge to the Court and Judge and Advocate General to the CJEU.

The selection was carried out by the working group set up by Order No 58 of the Prime Minister of the Republic of Lithuania of 24 March 2023 (hereinafter referred to as "the Working Group"). The members of the Working Group were the following: 1) Gintaras Goda – President of the Constitutional Court of the Republic of Lithuania (Head of the Working Group); 2) Gabrielė Juodkaitė-Granskienė – President of the Criminal Cases Division of the Supreme Court of Lithuania; 3) Erika Leonaitė – Head of the Seimas Ombudsmen's Office of the Republic of Lithuania; 4) Vytautas Nekrošius – Professor at Vilnius University, Habilitated Doctor, Member of the Lithuanian Lawyers' Association; 5) Sigita Rudėnaitė – Judge of the Supreme Court of Lithuania, Chairman of the Council of Judges; 6) Kęstutis Švirinas – Attorney-at-Law, Member of the Council of the Lithuanian Bar Association; 7) Skirgailė Žalimienė – President of the Supreme Administrative Court of Lithuania.

The purpose of the selection process carried out by the Working Group was to identify candidates meeting the requirements for Judge to the Court and to inform the Prime Minister about them in order to enable him to submit a reasoned proposal on three candidates.

The Working Group had four meetings – on 6 April, 9 and 30 May and 23 June 2023. The call for applications was announced on 11 April 2023. Applicants were asked to submit cover letters and CVs in Lithuanian, English and French by 10 May 2023 and certificates of proficiency in French and English by 24 May 2023. In view of the low number of applications received, these deadlines for the document submission were extended to 24 May 2023 and 7 June 2023, respectively. The information regarding the initiation of the selection procedure and the extension of deadlines was made public (published on the official website of the Ministry of Justice, disseminated to the media, through social networks, sent to the faculties of law of Lithuanian universities, the Judicial Council, the Lithuanian Bar Association, the Prosecutor General's Office of the Republic of Lithuania, the Lithuanian Lawyers' Association, the Seimas Ombudsmen's Office of the Republic of Lithuania, with the request to publish similar information on their websites).

In total nine applications were received. The list of the applicants and their CVs in Lithuanian was made public on the official website of the Ministry of Justice.

On 23 June 2023, a meeting of the Working Group took place at the premises of the Ministry of Justice. During this meeting, the Working Group conducted selection interviews with the applicants. As one applicant informed on 22 June 2023 that he was withdrawing his application and would not participate in the selection process, selection interviews were conducted with eight applicants. At the end of the selection interviews, each member of the Working Group scored the applicants on a scale of 1 to 10 and entered the scores in the

applicants' individual evaluation score sheets. Once the individual evaluation sheets had been completed and signed by the members of the Working Group, a summary table of the applicants' evaluation scores was completed. It contained the individual evaluation scores, aggregated and divided by the number of members of the Working Group who evaluated the individual applicant. The total scores of the applicants were thus calculated and entered in the summary table. The scores were rounded to the hundredth part.

Based on the results obtained, the Working Group adopted a list of candidates meeting the requirements for Judge to the Court. The list included four persons who have been assessed by the Working Group as meeting the requirements for judges of the Court and who have obtained at least 8 evaluation points out of 10. This list was submitted to the Minister of Justice. The Minister of Justice submitted the list to the Prime Minister. The Prime Minister, after assessing all the candidates on the list, submitted to the Government a reasoned proposal for the nomination of the 3 best ranked candidates on the list (in alphabetical order of surname):

1. Lyra Jakulevičienė;
2. Gediminas Sagatys;
3. Edita Žiobienė.

The Government then got the approval of the President and the Seimas, and adopted a resolution on proposing the 3 above-mentioned candidates for election as Judge to the Court:

– Decree of the President of the Republic of Lithuania of 8 September 2023 No 1K-1446 "On Approval of the Nomination of Lyra Jakulevičienė, Gediminas Sagatys and Edita Žiobienė for election as Judge to the European Court of Human Rights";
– Resolution of the Seimas of the Republic of Lithuania No XIV-2198 of 26 October 2023 "On Approval of the Nomination of Lyra Jakulevičienė, Gediminas Sagatys and Edita Žiobienė for election as Judge to the European Court of Human Rights";
– Resolution of the Government of the Republic of Lithuania No 848 of 8 November 2023 "On the nomination of L. Jakulevičienė, G. Sagatys and Edita Žiobienė as candidates to the European Court of Human Rights".

In conclusion, the national process of selecting and nominating Lithuanian candidates for election as Judge to the Court has been completed. Consequently, the list of proposed candidates, along with the necessary documents, is being presented to the Advisory Panel of Experts on Candidates for Election as Judge to the European Court of Human Rights.

Appendix 1 – Curriculum Vitae of Lyra JAKULEVIČIENĖ

I. Personal details

Name, forename: JAKULEVIČIENĖ Lyra

Sex: Female

Date and place of birth: 6 November 1974, Vilnius, Lithuania

Nationality: Lithuanian

II. Education and academic and other qualifications

– 2008: Completed habilitation process for professorship

– 2001-1997: PHD, Faculty of Law, Vilnius University. Doctor of social science (law), degree awarded in 2002 (thesis on EU asylum acquis and the 1951 UN Convention on the Status of Refugees)

– 1997-1992: Faculty of Law, Vilnius University. Diploma (Law)

– 1993-1991: School of Language and Commerce, Vilnius, Lithuania. Diploma

Various courses and internships on human rights and refugee protection in Åbo Academy: Advanced Human Rights' Course (Turku, Finland), International Humanitarian Law Institute (San Remo, Italy), International Comparative Law Institute (Strasbourg, France), Protection Learning Programme (UNHCR) and others. Courses on leadership and negotiation skills, programme management, gender equality, organisational ethics and others.

III. Relevant professional activities

a. Description of judicial activities

N/a

b. Description of non-judicial legal activities

International activities in human rights organisations

– Present-01/2023: **Member for Lithuania, European Commission against Racism and Intolerance** (ECRI) (CoE, Strasbourg)

– Present-2022: **Member of the Executive Board, Strategy Committee, Appeals' Committee, EU Fundamental Rights Agency** (Austria)

– Present-2020: M**ember of the Management Board of EU Fundamental Rights Agency (FRA) and its Annual Report on Fundamental Rights Committee** (AREDIT) (Austria)

Academic activities (teaching subjects of law and conducting research in areas directly related to human rights, leading the team of lawyers in academia)

– Present-06/2015: **Dean of the Faculty of Law/Law School**, Mykolas Romeris University, Lithuania. Leading the team of lawyers in academia, study, research and innovation activities of the Law School with approx. 120 legal academic and admin staff, approx. 2500 students. Includes legal work (e.g. legal opinions to courts/institutions, agreements, legal cooperation with court system institutions and other legal professions, etc.)

– Present-09/2009: **Professor of international and European law**, International and EU Law Institute, Mykolas Romeris University, Vilnius, Lithuania

– 01/2004-09/2009: Associate Professor, International Law Department, Mykolas Romeris University, Vilnius, Lithuania

– 09/2004-2001-: Lecturer, International and European Law Department, Faculty of Law, Vilnius, University, Lithuania

– 06/2003-09/2001: Lecturer, International Law and European Law Department, Law University of Lithuania

Over 20 legal research projects and advocacy in various areas of human rights, operation of judicial processes, e.g.:

– "Evaluation of Lithuanian Asylum System", 2021-2022, leader and expert;

– "Study on Conduct of Lithuanian Judicial Proceedings", National Court Administration, 2021-2022, leader;

– "Study to support the preparation of an EU initiative to address possible gaps in the legal protection against discrimination on grounds of racial or ethnic origin", 2021-2022, expert;

– "Evaluation of Legal, Policy and Economic Responses in Times of Crisis: Balancing Public Safety and Human Rights", Research Council of Lithuania, 2020, Leader of researchers' team;

– "Strengthening protection of unaccompanied and separated children (UASC) the way forward in the Baltic States" 2018, UNHCR, expert;

– Project "Innovative Solutions for Practically and Impact in Refugee and Migration Oriented Education" (INSPIRED). 2017-2019, Member of working group;

– Project "Promoting refugee Integration Support through youth Engagement: 1951 Convention and nowadays refugees (PROMISE)". 2016-2018, Project leader;

– FRANET research network. European Union Agency for Fundamental Rights (FRA). 2014-2018, senior legal expert;

– Project „Strengthening European Network Centres of Excellence in Cybercrime" (SENTER), 2016-2018, legal expert/researcher;

– Jean Monnet networks project OMNIA, Belgium, 2015-2016, expert/researcher;

– "Knowledge-based analysis and policy advice in the antidiscrimination field and the EU2020 Strategy (European Legal Analysis and policy recommendations)", 2013-2014, legal research expert.

Additional academic activities: lecturer of EU Asylum and Immigration Certificate (Brussels Free University/ Odysseus Network, 2007, 2009, 2023); lecturer of International Refugee Law Summer School (Brussels Free University/Odysseus Network, 2008, 2012), visiting professor at various European Universities.

Other legal work experience includes:

– 05/2003-03/2001: UNHCR Liaison Officer (Lithuania) (included management and legal functions). Monitoring the legal framework of asylum and human rights in Lithuania, participation in the drafting of legal acts, preparation for strategic litigation, initiation and coordination of human rights protection programs, legal counseling, including in places of detention, training on refugee and international human rights law.

– 2001-1997: Legal Advisor for UNHCR (Lithuania): counselling clients, preparing legal opinions, monitoring of detention centres and border areas with a view of preventing violations, intervening in cases of violations.

– 1997: Privatisation specialist, Ministry of European Affairs (Lithuania): legal arrangements for privatisation of state-owned companies.

Consultancy/advisory activities (legal, directly related to human rights)

– Present – 2005: **Consultancies/advisory activities in the areas of human rights, asylum, migration, evaluation for international and European organisations**, e.g.:

o "External evaluation of the implementation of the Operating Plan for Greece for 2018, 2018-2019", EASO, senior expert;

o "Legal and practical implementation of EU legal migration legislation", FITNESS Check, European Commission, 2017, legal expert;

o “Context analysis on migration and asylum related matters in Tunisia, Morocco, Egypt and Algeria”, 2016, EASO, expert;

o “Judicial Analysis on Qualification for International Protection”, 2015-2016, International Association of Refugee Law Judges, legal expert.

o Phare SEIL project (assessment of situation in the areas of justice and home affairs in Lithuania and proposing measures to align national legislation and practice to EU acquis) 1999-2000, national expert.

– 2013-2005: National Reporter for Lithuania at the Observatory on Free Movement of Workers in Europe (Nijmegen University, the Netherlands)

– 2010-2007, 2019-2018: Expert in building-up of EAC (European Asylum Curriculum), an e-learning system in human rights, refugee and asylum law for European immigration authorities and delivering trainings for trainers (currently within European Union Asylum Agency)

c. Description of non-legal professional activities

– 2013-2006: Head of the United Nations Development Programme (UNDP) in Lithuania. Implemented programs in the field of non-discrimination, rights of national minorities and socially vulnerable persons; Preparation of government strategic documents (CSR development); assessment of the socio-economic consequences of the economic crisis; Development of an equal opportunities index and equal opportunities initiatives for the private sector; A new model of UN activities in Lithuania developed and implemented.

– 12/2005-04/2004: Advisor to UN Resident Coordinator/UNDP Resident Representative in Lithuania. Establishment of the UN Global Compact Network in Lithuania on corporate social responsibility; initiatives undertaken to strengthen human rights and justice; recommendations prepared for the Governments of 9 countries; two regional projects implemented.

– 01/2004-05/2003: Head of Cross Border Co-operation Process (CBCP) Secretariat, Ukraine. Establishment of secretariat to support cooperation among 10 countries in the fields of human rights, border protection, migration and asylum, conditions for its operation created; recommendations and methodological legal instruments developed for the governments of various countries; maintenance of relations with the EU institutions, successful international inter-state events organized.

IV. Activities and experience in the field of human rights

– Experience with rights-driven international organisations:

o Worked with human rights issues relevant for various European countries at EU and CoE human rights institutions (member of European Commission against Racism and Intolerance (ECRI) for Lithuania (CoE, Strasbourg), member of the Executive Board, Management Board, Strategy Committee, Appeals’ Committee, Annual Report on Fundamental Rights Committee (AREDIT) of the EU Fundamental Rights Agency (Austria)).

o Over eight years’ experience at UNDP Lithuania working towards enhancement of protection of social and economic rights of Lithuanian residents, addressing discrimination and intolerance of most vulnerable individuals (homeless, Roma, long-term unemployed, etc.); engaging business community in addressing labour rights and human rights more broadly in business operations in Lithuania and elsewhere.

o Six years’ experience at UNHCR Lithuania, Sweden and Turkey working towards establishment of refugee protection system in Lithuania, improvement of protection situation and enhancement of rights of asylum seekers, refugees and irregular migrants, training border guards, migration and asylum officials, judges on international human rights principles and protection of vulnerable individuals; established free legal aid system for asylum seekers and refugees in Lithuania.

– Teaching, training, advocacy in human rights law in Lithuania and internationally (over 25 years).

– Research and advisory activities in various human rights areas (non-discrimination, asylum and migration law, etc., over 20 years, lead or participated in more than 20 research projects as expert in human rights field), Head of Human Rights Laboratory, Mykolas Romeris University (2015-2018).

– Co-initiator of free legal aid system in Lithuania (concept development and institutional setup) under Open Society Fund/COLPI initiative in 1999.

– Volunteer of Lithuanian Association of Human Rights (initiated Association's membership in FIDH), co-founder of human rights organisation "Centre for Sustainable Society".

V. Public activities

a. Public office

N/a

b. Elected posts

– Member, FRA Executive Board, (2022)

– **Member of the Board, "White Waive" Initiative**, Lithuania (present)

– Chair of the Board, "White Waive" Initiative (promoting fair pay and anti-corruption), Lithuania, 2009

c. Posts held in a political party or movement

N/a

VI. Other activities

a. Field

N/a

b. Duration

N/a

c. Functions

N/a

VII. Publications and other works

Author of over 40 scientific publications in various fields of human rights and international, EU law and two books ("International Treaty Law" (2011) and "Refugee Law" (2005), editor of annual scientific journal "Lithuanian law: key developments" and several books.

1. Jakulevičienė, Lyra, Principle of non-refoulement in the context of recent ECtHR caselaw and the EU migration and asylum pact, ERA Forum, Springer (2023);
2. Jakulevičienė, Lyra, Climate litigation at European Level: New ways to protect human rights? In: El Derecho Internacional Público en la frontera de los derechos humanos (2023), pp. 415-432;
3. Jakulevičienė, Lyra et al (eds.), Law and COVID-19 pandemic, Šiaulių spaustuvė (2022) (editor);
4. Jakulevičienė, Lyra, Pre-Screening at the Border in the Asylum and Migration Pact: A Paradigm Shift for Asylum, Return and Detention Policies?, in: Thym, Daniel (eds.), Reforming the Common European Asylum System. Opportunities, Pitfalls, and Downsides of the Commission Proposals for a New Pact on Migration and Asylum, Nomos, 1st Edition (2022), pp. 81-97;
5. Jakulevičienė, Lyra, Biekša, Laurynas, Trends in the Qualification of Asylum Claims related to Gender-based Violence under International and European Law, International Journal of Human Rights (2021);
6. Jakulevičienė, Lyra, Vasarienė, Dalia, 'Freedom to Conduct Business During the Covid-19 Pandemic' 26(1) Tilburg Law Review (2021), pp.16–29;
7. Jakulevičienė, Lyra, Gailiūtė-Janušonė, Dovilė, The Scope of Legal Expectations from Business in Human Rights: carrot or stick? Entrepreneurship and Sustainability Issues, Volume 8 Number 2 (2020);
8. Jakulevičienė, Lyra, Valutytė, Regina, Daukšienė, Inga, Directive 2014/54: advantages and disadvantages for free movement of workers and their family members/ European Journal of Migration and Law, vol. 20, iss. 3 (2018), pp. 223-250;

9. Jakuleviciene, Lyra, Alternatives to Immigration Detention with particular focus on children// Indonesian Journal of International Law, Vol. 16, No 1 (2018), pp. 100-115;

10. Jakulevičienė, Lyra, Relations between the national courts and the European Court of Human Rights, in: Sinkevičius, Vytautas et al (eds), Comparative Constitutional Law (lith. Lyginamoji konstitucinė teisė), Registrų centras (2016), pp. 516-526.

VIII. Languages

Language	Read			Written			Spoken		
	very good	good	fair	very good	good	fair	very good	good	fair
***a.* First language:**									
Lithuanian	X			X			X		
***b.* Official languages:**									
English	X			X			X		
French		X				X		X	
***c.* Other languages:**									
Russian	X					X		X	
Tamil		X				X			X

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

X. Other relevant information

– Alternate arbitrator for Lithuania of OSCE Court of Conciliation and Arbitration (since 2013)
– Member of Candidates‘ to Judges Qualification Exam in Lithuania (since 2021)
– Member of Judges’ Evaluation Commission of Lithuania (2016-2020)
– Member of European Law Institute (ELI) (since 2015)
– National Legal expert, Oddysseus Academic Network (Belgium, since 2005)
– Member of Lithuania’s Bar Association – since 2015.

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

I confirm the intention to take up permanent residence in Strasbourg if elected.

Appendix 2 - Curriculum Vitae of Gediminas SAGATYS

I. Personal details

Name, forename: SAGATYS Gediminas

Sex: male

Date and place of birth: 2 August 1977, Lithuania

Nationality: Lithuanian

II. Education and academic and other qualifications

– 2000-2004 – PhD in Law with the thesis “Vaiko teisė į šeimos ryšius Europos žmogaus teisių ir pagrindinių laisvių apsaugos konvencijoje ir Lietuvos teisėje” [The Right of the Child to Family Relations in the European Convention for the Protection of Human Rights and Fundamental Freedoms and in the Law of the Republic of Lithuania], Mykolas Romeris University
– 1998-2000 – Master of Law, Law University of Lithuania
– 1995-1998 – Bachelor of Law, Lithuanian Academy of Law

III. Relevant professional activities

a. Description of judicial activities

– Since 2021 – **President of the Association of Judges of the Republic of Lithuania** (2018-2021 – Vice-President and Member of the Board; 2015-2018 – Member of the Board)
– 2020-2023 – Member of the Selection Commission of Candidates to Judicial Office, appointed by the Council of Judges of the Republic of Lithuania
– 2015-2016 – Chairman of the working group for the preparation of Judicial Decisions' Quality Standards, appointed by the Council of Judges of the Republic of Lithuania
– Since 2015 – **Member of the International Hague Network of Judges**, appointed by the Council of Judges of the Republic of Lithuania
– Since 2013 – **Judge of the Supreme Court of Lithuania**

b. Description of non-judicial legal activities

Full time employment

– 2007-2013 – Attorney at COBALT Law Firm, Lithuania
– 2006-2013 – Associate Professor at the Department of Private Law, Faculty of Law, Mykolas Romeris University
– 2003-2007 – Senior Advisor at the Legal Department, Office of the Seimas of the Republic of Lithuania
– 2000-2003 – Chief Specialist at the Legal Department, Ministry of Defence of the Republic of Lithuania

Part time employment

– Since 2017 – **Partnership Professor at the Institute of Private Law**, Law School, Mykolas Romeris University
– 2013-2017 – Associate Professor at the Department of Private Law, Faculty of Law, Mykolas Romeris University
– 2004-2006 – Lecturer at the Department of Civil Law and Civil Procedure, Faculty of Law, Mykolas Romeris University

c. Description of non-legal professional activities

None

IV. Activities and experience in the field of human rights

During my legal studies and professional career, I gained experience in the field of human rights from various activities.

Education in human rights

In 2000-2004 I pursued my PhD studies in law. The topic of my PhD thesis was “Vaiko teisė į šeimos ryšius Europos žmogaus teisių ir pagrindinių laisvių apsaugos konvencijoje ir Lietuvos teisėje” [The Right of the Child to Family Relations in the European Convention for the Protection of Human Rights and Fundamental Freedoms and in the Law of the Republic of Lithuania]. The findings and recommendations of the dissertation had a significant impact on national legislation (e.g., introduction of judicial control over administrative decisions on removal of a child from parents) and case-law (e.g., strengthening of the principle of non-discrimination in child custody cases).

At the beginning of my professional career, I built my skills in the area of human rights by participating in various specialised courses. These included the Course on International Protection of Human Rights (7,5 ECTS credits, diploma received) and the Intensive Course on Justifiability of Economic, Social and Cultural Rights (8 ECTS credits, diploma received) at the Institute for Human Rights at Åbo Akademi University, Finland (2003 and 2005); Course “Leaders for the 21st Century” (diploma received) at the George C. Marshall European Center for Security Studies, Germany (2003); Distance Learning Course “The Introduction to the European Human Rights Protection and Promotion” (diploma received) by the Human Rights Education Associates, United Kingdom (2005).

As a judge I participated in a number of study visits and exchange programs for judicial authorities thus expanding my knowledge of the international and national mechanisms of human rights protection, e.g.: study visit at the European Court of Human Rights (2015); study visit of the Lithuanian and Norwegian judges to the Dutch judiciary system (2023); exchange programs for judicial authorities in Spain (2015) and in France (2023).

Human rights litigation

During my master`s degree studies (1998-2000) I was an active member of the University`s Law Clinic, which provided free legal aid to the needy. This involved legal advice and preparation of court procedural documents.

During my time as a practicing attorney at one of the largest law firms in Lithuania (2007-2013), I represented clients in different areas of law (civil, commercial, administrative, labour and criminal) before all Lithuanian courts, including the Constitutional Court. My clients were both private and public entities. I also assisted persons with the lodging of applications to the European Court of Human Rights for alleged human rights abuses.

Work at governmental and legislative institutions

My primary tasks as a Chief Specialist of the Legal Department of the Ministry of Defence of the Republic of Lithuania (2000 – 2003) were drafting legal statutes and acting as a designated representative of the Ministry

before national courts of all jurisdictions. These functions often involved dealing with different human rights issues such as freedom of expression, privacy and property rights.

As a Senior Advisor of the Legal Department of the Office of the Seimas of the Republic of Lithuania (2003-2007), I:

– furnished over 200 written conclusions on registered draft laws. These conclusions always involved the assessment of the draft laws` compatibility with the European Convention on Human Rights;

– was involved in various working groups established by the Board of the Seimas for the preparation of draft laws concerning human rights, e.g. Member of a working group for the improvement of laws concerning children’s rights (2007); Member of a working group for the preparation of the outline of the

reform of the legal system (2005); Member of a working group for the improvement of laws concerning defence of public interest (2005); Member of a working group for the preparation of amendments of the norms of the Civil Code related to the protection of children's rights (2004);

– acted as a designated representative of the Seimas in 12 constitutional cases before the Constitutional Court of the Republic of Lithuania, the majority of which involved human rights elements.

Judicial activities

As a judge of the Supreme Court of Lithuania (since 2013), I adjudicate cases (mainly civil and commercial but also on occasion criminal), many of which involve complex human rights issues. The European Convention on Human Rights and the judgments of the European Court of Human Rights are increasingly referred to in the judgments of the Supreme Court of Lithuania as a source of law. For example, to date I`ve been involved in rendering more than 100 judgements involving direct references to the case law of the European Court of Human Rights.

As a member of the International Hague Network of Judges (since 2015) I act as a channel of communication and liaison with judges in other Contracting States to ensure the effective operation of the Convention on the Civil Aspects of International Child Abduction and the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children.

As a Member of the Board (since 2015), Vice-President (2018-2021) and President (since 2021) of the **Association of Judges of the Republic of Lithuania**, I have been involved in a number of activities both at national and international level designed to protect judicial independence and the rule of law.

Human rights research

During my career at Mykolas Romeris University (2004 to date), I have been involved in various research activities, resulting in 22 publications in Lithuania and abroad. Most of these publications concentrate on human rights issues with a particular focus on children's rights and family rights. My research is relatively well-known and widely cited as evidenced for example by 202 citations on www.scholar.google.com.

I was also involved as a legal expert / country rapporteur for Lithuania in a number of international projects funded by the European Commission, e.g. Study on the evaluation of the impact of the EU instruments affecting children's rights with a view to assessing the level of protection and promotion of children's rights in the EU (2010-2011); Study on harmful traditional practices in the European Union (2009-2010); Study of adoption procedures within the European Union, the practical difficulties encountered therein by European citizens within the framework of the European civil justice workspace and the possibilities of resolving these problems and protecting children's rights (2008-2009).

I presented the results of my research on various topics of human rights, children rights and constitutional law at a number of national and international conferences, e.g.:

– Presentation on the influence of the official constitutional doctrine on the case law of courts of general competence at the conference organised by the Constitutional Court of the Republic of Lithuania, Vilnius, Lithuania (2023);

– Presentation on the influence of Article 1 of the First Protocol to the European Convention on Human Rights on interpretation of the Civil Code of the Republic of Lithuania at the conference organised by Law Faculty of Vytautas Magnus University, Kaunas, Lithuania (2021);

– Presentation on the influence of the European Convention on Human Rights on Lithuanian civil law at the conference organised by School of Law of Mykolas Romeris University, Vilnius, Lithuania (2021);

– Presentation on legal issues of paternity DNA testing at the conference organised by the World Association for Medical Law, Toulouse, France (2019);

– Presentation on case law regarding parental disputes over children at the conference organised by the Committee on Human Rights of the Seimas of the Republic of Lithuania, Vilnius, Lithuania (2018);

– Presentation on Lithuanian, Latvian and Estonian child maintenance laws at the conference organised by the Commission on European Family Law (CEFL), Cambridge, UK (2010);

– Presentation on the concept of judicial precedent in Lithuanian law at the conference organised by Law Faculty of Mykolas Romeris University, Vilnius, Lithuania (2009);

– Presentations “Applications by homosexuals to adopt: Lithuanian perspective” and “Child background – Practice of the European Court of Human Rights” at the 13th Conference of European Central Authorities for Inter-Country Adoption, Vilnius, Lithuania (2007).

University teaching and professional training

During my career at Mykolas Romeris University (since 2004), I`ve taught and supervised a good number of students in the fields of civil law, family law, children`s rights and related fields. I`ve also been a member of the defence committee in the doctoral defences of 11 PhD students.

In addition to this I have taught over 50 courses for judges and other legal professionals (advocates, notaries, judicial officers, public servants) at both national and international levels. Since 2006 I have been a **lecturer of the Lithuanian Judicial Training Centre**, since 2015 – l**ecturer of the Academy of European Law (ERA)**, since 2019 – c**ertified trainer of the Council of Europe Human Rights Education for Legal Professionals (HELP) programme**, since 2023 – **expert of the European Commission's Technical Assistance and Information Exchange (TAIEX) programme**. The subjects I teach vary from pure human rights to children’s rights and the European Union law, e.g.:

– Lecturer at the pan-European legal seminars for court staff and bailiffs “Cross-border Civil Litigation: Facilitating the Handling of Cross-border Cases” (2023 and 2022, Brussels, Belgium);

– Moderator of the online workshop on cooperation between national courts and the Court of Justice of the European Union on the preliminary ruling procedure organized by TAIEX in co-operation with the Supreme Court of Ukraine (2023);

– Lecturer at two online seminars organised by the European Academy of Law (ERA) “European Cross-border Civil Procedures. Legal English for Court Staff” (2021);

– Lecturer of two online courses “Family Law and Human Rights” organised under the project “EU-Council of Europe HELP (Human Rights Education for Legal Professionals) in the EU” (2019 and 2020);

– Moderator of the seminar organised by the European Academy of Law (ERA) “The Rights of the Child in Practice: Exploring a Multidisciplinary Approach to Child-friendly Justice in European law” (2015, Vilnius, Lithuania);

– Lecturer at the International Human Rights Law Summer School organised by Elon University (USA), Mykolas Romeris University (Lithuania) and European Humanities University (Lithuania) (2008, Vilnius, Lithuania);

– Lecturer at the seminar for Armenian judges and prosecutors on the application of the European Convention on Human Rights (2006, Yerevan, Armenia);

– Lecturer at the international summer school “Problems of the EU Law” organised by Taras Shevchenko National University of Kyiv (2006, Kyiv, Ukraine).

V. Public activities

a. Public office

– 2012-2013 – Member of Education Council of Lithuania

– 2009-2017 – Member of the Committee on the Supervision of the Civil Code of the Republic of Lithuania, appointed by the Minister of Justice of the Republic of Lithuania

b. Elected posts

None

c. Posts held in a political party or movement

None

VI. Other activities

– 2016: Lithuanian team leader at the THEMIS Competition, organised by the European Judicial Training Network (EJTN)

– 2007-2013: Member of the Selection Committee of the competition "The Best Dissertations of the Year", annually organised by the Lithuanian Society of Young Researchers (LSYR)

VII. Publications and other works

I am the (co)author of 22 publications (for a comprehensive list see http://sagatys.home.mruni.eu/?page_id=31). The list of 10 most important publications is as follows:

Books

– Sagatys G., Pakalniškis V., Gumuliauskienė L. et al. Lietuvos Respublikos civilinis kodeksas: pirmieji dešimt galiojimo metų. Kolektyvinė mokslo studija (mokslinis redaktorius G. Sagatys) [Civil Code of the Republic of Lithuania: First Ten Years of Application. Collective Scientific Study, ed. Sagatys G.] Mykolo Romerio universitetas. Vilnius, 2013 [in Lithuanian]

– Sagatys G. Vaiko teisė į šeimos ryšius: Europos žmogaus teisių ir pagrindinių laisvių konvencijos įgyvendinimas Lietuvos teisėje [The right of the child to family relations: the implementation of the European Convention for the Protection of Human Rights and Fundamental Freedoms in Lithuanian law] Teisinės informacijos centras. Vilnius, 2006 [in Lithuanian]

Articles

– Mammadov V., Sagatys G., Beran R. The Right to Biological Truth versus Stability of the Family. Journal of Law and Medicine: Vol. 28 (4), 2021. P. 1154-1157 [in English]

– Sagatys G., Intė O. Vaiko išvežimas iš Lietuvos: teisinis reguliavimas ir praktika [Relocation of Children from Lithuania: Legal Regulation and Practice]. Jurisprudencija, 2017. Vol. 24(1). P. 89-110 [in Lithuanian]

– Sagatys G. The pre-harmonization area: a comparison of Lithuanian, Latvian and Estonian child maintenance laws. In K. Boele-Woelki, J. Miles and J.M. Scherpe (Eds) The Future of Family Property in Europe (European Family Law Series vol. 29). Intersentia. Antwerp-Oxford-Portland, 2011. P. 311-326 [in English]

– Sagatys G. The Concept of Family in Lithuanian Law. Jurisprudencija, 2010. Vol. 1(119). P. 181-198 [in English]

– Sagatys G. Case Law as the State Family Policy Formation Instrument. Jurisprudencija, 2009. Vol. 4(118). P. 217-235 [in English]

– Sagatys G. Įvaikinimo įstatymų probleminiai aspektai: Europos Žmogaus Teisių Teismo praktika [Problematic Aspects of Adoption Laws in The Case Law of the European Court of Human Rights]. Jurisprudencija: MRU, 2008 Vol. 2 (104), 2008 [in Lithuanian]

– Sagatys G. State Liability under the European Convention on Human Rights: The Case of Child's Negligence and Abuse. Collection of scientific articles. Daugavpils University, Latvia, 2006. P. 26 – 35 [in English]

– Sagatys G. Vaiko atskyrimas nuo tėvų ir alternatyvioji globa Europos Žmogaus Teisių Teismo jurisprudencijoje [Separation of the Child from Parents and Alternative Care in the Jurisprudence of the European Court of Human Rights]. Jurisprudencija: LTU, 2003. Vol. 41(33). P. 25 – 38 [in Lithuanian]

VIII. Languages

Language	Read			Written			Spoken		
	very good	good	fair	very good	good	fair	very good	good	fair
***a.* First language:**									
Lithuanian	X			X			X		

***b.* Official languages:**									
English	X			X			X		
French		X				X			X
***c.* Other languages:**									
Russian	X				X			X	

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

I fulfil the requirement of passive knowledge of French (TCF score: 444/699). If I am elected a judge on the Court, I nevertheless intend to take French language classes to increase my proficiency.

X. Other relevant information

Married, two children.

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

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

Appendix 3 - Curriculum Vitae of Edita ŽIOBIENĖ

I. Personal details

Name, forename: ŽIOBIENĖ Edita

Sex: female

Date and place of birth: 5 July 1973 in Alytus, Lithuania

Nationality: Lithuanian

II. Education and academic and other qualifications

– Doctor of Social Sciences (Law) (Mykolas Romeris University, Lithuania). Doctoral Dissertation: Protection of Information about Person's Private Life. (2003)

– Master of Law (Vytautas Magnus University, Lithuania) 1998

– Bachelor of Law (Mykolas Romeris Uniersity, Lithuania)

– Bachelor of Sociology (Vytautas Magnus University, Lithuania)

III. Relevant professional activities

a. Description of judicial activities

None

b. Description of non-judicial legal activities

– **Ombudsperson for Children's Rights** (from 7 April 2010 to the present)

Responsibilities relevant to judicial activities included: investigation of complaints, ex officio investigations.

Other responsibilities: monitoring of situation of children's rights, advising and providing opinion on legislative amendments, promoting and protecting of children's rights, organizing and participating in numerous meetings with judges, prosecutors, representatives of law enforcement for training of the new tendencies in the jurisprudence of the European Court of Human Rights and the Court of Justice of the European Union, organizing awareness raising campaigns and conferences, participation in numerous projects with others European ombudsperson's institutions for sharing experience.

– Acting Ombudsperson for Academic Ethics and Procedures (2018).

Responsibilities relevant to judicial activities included: investigation of complaints, ex officio investigations.

– Acting Ombudsperson for Equal Opportunities (2013-2015).

Responsibilities relevant to judicial activities included: investigation of complaints, ex officio investigations.

Other responsibilities: monitoring, promotion and protection of equal opportunities and equal treatment, advising and providing opinion on legislative amendments, training of the new tendencies in the jurisprudence of the European Court of Human Rights and the Court of Justice of the European Union.

– Head of the Lithuanian Centre for Human Rights (2004-2010).

Responsibilities: public education in the field of human rights, constant meetings/ trainings for different professional groups, including judges and prosecutors in the Training Centre of Judges, participation in international conferences, participation in monitoring of the institutional system of the protection of human rights in Lithuania.

– **Assoc. Prof. / Partnership Prof. for Comparative Constitutional Law**, Institutional Human Rights Protection and Media Law at the Constitutional Law Department, Mykolas Romeris University (2003-2019, 2022 to the present).

– Head of the Department of Law of Kaunas County Governor's Administration (2002-2003).

– Assistant for Human Rights and Humanitarian Law subject and Constitutional Law subject at Law Institute of Vytautas Magnus University (1998-2002).

– Lawyer of Kaunas County Governor's Administration (1998-2001).

The post held at present:

– **Ombudsperson for Child's Rights**

– **Partnership Prof. for Constitutional Law** (the Lithuanian Constitutional Law and Comparative Constitutional Law), Mykolas Romeris University

IV. Activities and experience in the field of human rights

Activity in the Council of Europe

– First Vice President (2018 – 2020), Member of Advisory Committee of the Framework Convention for the Protection of National Minorities (2016-2020 and 2010-2014), Additional Member (2014 – 2016 and 2007-2010).

– Member of the Committee of Experts on the Council of Europe Strategy on the Rights of the Child (2014-2016).

Activity in EU Legal Experts Networks

– Member of EU Network of Legal Experts in Non-discrimination Field. (2005-2010).

– Member of the EU Network of Independent Experts on Fundamental Rights (2005-2006).

– Board Member of ENAR (European Network against Racism and Xenophobia) (2006-2010).

Activity in Ombudspersons Network

– Chair of the European Network of Ombudspersons for Children ENOC (2016-2017); Board Member of this European Network (2017-2019 and 2013-2014 and 2011-2012).

V. Public activities

a. Public office

– Chairperson of the Ethics Commission of Journalists and Publishers (2005-2010) Member of this Commission (2003-2005).

– Member of the Central Electoral Commission of the Republic of Lithuania (2008-2010).

b. Elected posts

None

c. Posts held in a political party or movement

None

VI. Other activities

Participation in numerous Juries of the Doctoral Thesis in the field of human rights as an Opponent and a Member in Mykolas Romeris University and Vilnius University.

Participation in the capacities as an Expert in the TAIEX workshops for the application and enforcement of EU legislation as well as facilitating the sharing of EU best practices in the field of children rights: as an expert advised on the methodologies that are most compatible to the Commissionership for Child and Youth Out-of-

Home Complaints in Israel. The specific aims were to strengthen the newly established institution and its competences in receiving, investigating, and reporting on the complaints of all children and youth, sharing of the best practices. (2018).

Participation as an Expert in the project on good governance and human rights in Indonesia and Mongolia, that was carried out in the framework of the European Commission's Asia-Link programme and was implemented together with the Faculty of Law, Economics and Governance of the University of Utrecht (the Netherlands), the Queens University Belfast (UK), the National University of Mongolia and the University of Indonesia. Assisting preparation of LLM programme on human rights for the National University of Mongolia and the University of Indonesia, carrying out training programmes in Indonesia to educate public officials in human rights and good governance matters, conducting training courses held for civil servants (2007-2010).

Participation in the International Visitor Leadership Programme: the U.S. Legal System. The programme was organised by the Department of State and National Program Agency (2008).

VII. Publications and other works

1. Žiobienė E. The System of Child‘s Rights Protection Institutions: its Development, Role and Importance // Administrative Law. Liber Amicorum Algimantas Urmonas. MRU, 2022.
2. Žiobienė E. The Nature of Ombudsman Institution and its Relationship with State Powers // Constitution and Legal System. Liber Amicorum Vytautas Sinkevičius. MRU, 2021.
3. Žiobienė E. The Role of Ombudsman Institution in the Constitutional System // Jurisprudencija, Nr. 26 (1), 2019.
4. Žiobienė E. The Necessity of the Ombudsman’s Institution for Children’s Rights // Jurisprudencija, Nr. 24 (2), 2017.
5. Žiobienė E. Institutional Protection of Human Rights // Comparative Constitutional Law. Textbook. MRU, 2016.
6. Žiobienė E. The Role of Advisory Committee of the Framework Convention for the Protection of National Minorities and the Implementation of the Convention in Lithuania // Lithuania in the Council of Europe: Twenty Years of Membership. Vilnius University, 2014.
7. Žiobienė E. Improper Enforcement of Parental Authority: Legal Issues // Family Cases: Adjudication and Enforcement. MRU, 2013.
8. Žiobienė E. Rights of Children Belonging to National Minorities: Challenges of Legal Regulation and Enforcement // Katuoka S., Ravluševičius P., Vaigė L. and others. Protection of National Minorities: Aspects of International Law. MRU, 2013.
9. Žiobienė E. Constitutional System of the Hungarian Constitution // Birmontiene T., Jarašiūnas E. and others. Constitutions of the EU Countries. MRU, 2012.
10. Žiobienė E. Concept of Constitutional Law // Constitutional Law. Textbook. 2012.

VIII. Languages

Language	Read			Written			Spoken		
	very good	good	fair	very good	good	fair	very good	good	fair
***a.* First language:**									
Lithuanian	X			X			X		
***b.* Official languages:**									
English	X			X			X		
French		X				X			X
***c.* Other languages:**									
Russian		X			X			X	
Polish			X			X			X
German			X			X			X

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

Yes, I hereby confirm.

X. Other relevant information

None

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

Yes, I hereby confirm.