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Election of judges to the European Court of Human Rights¹

List and curricula vitae of candidates submitted by the Government of the Slovak Republic

Communication

Secretary General of the Parliamentary Assembly

1. In accordance with Article 22 of the European Convention on Human Rights.



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1. List and *curricula vitae* of candidates submitted by the Government of the Slovak Republic

Letter from Mr Drahoslav Štefánek, Ambassador of the Slovak Republic to the Council of Europe, to Mr Wojciech Sawicki, Secretary General of the Parliamentary Assembly, dated 18 September 2014

...

With reference to your letter of 9 July 2014 concerning the list of candidates for the post of judge of the European Court of Human Rights in respect of the Slovak Republic, we hereby submit the names and *curricula vitae* of the three candidates nominated by the Government of the Slovak Republic for the position of judge at the European Court of Human Rights.

The candidates on behalf of the Slovak Republic are as follows:

- Ms Andrea Krišková
- Mr Ondrej Laciak
- Ms Marica Pirošíková

...

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

In the Slovak Republic the procedure of selection of the candidates for the position of judge of the European Court of Human Rights (hereinafter “the ECHR”) is regulated in detail by law which meets required international standards and, in particular, criteria enshrined in Article 21 of the European Convention on Human Rights (hereinafter “the Convention”).

According to Article 141a § 4 d) of the Constitution of the Slovak Republic, it is under the authority of the Judicial Council of the Slovak Republic (hereinafter “the Judicial Council”) to submit to the Government of the Slovak Republic proposals of candidates for judges who should act in respect of the Slovak Republic in international judicial bodies.

Respecting this provision of the Constitution, when endorsing the selection of the candidates, the Government of the Slovak Republic may act only upon proposal submitted to it by the Judicial Council.

It is thus the Judicial Council which is vested by the Constitution with the functions of selecting the aforementioned candidates. The Judicial Council is the judiciary's highest body, independent from the legislative and executive power. This body consists of 18 members, almost all of them are serving judges.

When selecting candidates for the position of the judge at the ECHR in the current case, the Judicial Council performed its duties in accordance with national procedure provided for in Section 27g of the Act 185/2002 Coll. on the Judicial Council of the Slovak Republic as amended (hereinafter the “Act on Judicial Council”).

Section 27g § 1 of the Act on Judicial Council stipulates that the nomination for the election of the candidate for the position of a judge who should act in respect of the Slovak Republic in international judicial bodies, can be submitted to the Judicial Council by:

- a. a member of the Judicial Council;
- b. the Minister of Justice of the Slovak Republic;
- c. professional organisation of judges;
- d. other professional organisation of lawyers.

Requirements for the candidates for the position of the judge of the Slovak Republic in international judicial bodies are as follows:

- a. have acquired legal education by completion of an MA course at the law faculty of a university in the Slovak Republic, or possess recognised or nostrified document of law education obtained by completion of studies of the same level at a foreign university;
- b. be of integrity; is probably a credible personality in the field of law and his/her moral qualities give a guarantee that he/she will duly perform his/her mandate;
- c. have permanent residence in the territory of the Slovak Republic;

- d. have full legal capacity and health conditions which allow him/her to perform the judicial mandate;
- e. have passed the judicial professional exam, prosecutor's exam, bar exam or notary exam and has at least five years of legal practise.

Nomination for a judge who should act in respect of the Slovak Republic in an international judicial body, shall be submitted to the Judicial Council. For the nomination to be approved it has to obtain the majority of votes of all Judicial Council members in secret ballot.

Following the vote, the Judicial Council adopted Resolution No. 197 of 2 December 2013 approving the following candidates: Ms Andrea Krišková, Mr Ondrej Laciak and Ms Marica Pirošíková.

The Judicial Council subsequently submitted the nominations to the Government of the Slovak Republic, which endorsed the proposed list of candidates (Resolution No. 699 of 4 December 2013).

Appendix 1 – Andrea KRIŠKOVÁ

CURRICULUM VITAE²

I. Personal details

Name, forename: Krišková, Andrea

Sex: Female

Date of birth: 22 December 1972

Place of birth: Bratislava, Slovak Republic

Nationality: Slovak

Marital Status: Married

Other citizenship: None

II. Education and academic and other qualifications

- September 1991–June 1996 – Master’s degree in law, Faculty of Law of Comenius University in Bratislava
- March 1997 – ELENA International Course on Refugee and Asylum Law in Prague, Czech Republic
- May 1997 – Training organised by the Council of Europe on European Human rights Convention, Strasbourg, France
- July 1997–August 1997 – Programme in International Law at Oxford University, Oxford, United Kingdom
- September 1997–November 1997 – International Human Rights Law and Practice Programme at Birmingham University, Birmingham, United Kingdom
- January–May 1999 – Completed doctoral studies at the Faculty of Law, Comenius University, Bratislava in International Public Law
- November 2000 – Passed to the Slovak Bar Association
- November 2010 – Court of Justice of the European Union – Seminar of judges “The entry into force of the Lisbon Treaty and the consequent effects on the court system of the European Union”
- from 2010 – external doctoral study at Comenius University in Bratislava for the PhD
- 2013 – The Charter of Fundamental Rights of the European Union in practice – seminar and workshop in Cracow

III. Relevant professional activities

a. Judicial activities

- January 2010–present – Judge at the District court Bratislava III

b. Non-judicial legal activities

- January 2004–December 2009 – private advocate practice in Bratislava
 - January 2001–December 2003 – advocate at Squire, Sanders & Dempsey L.L.P., Slovakia
- Worked in one of the most successful American-based law firm worldwide. Provided legal service in all areas of law with special regard to commercial law, administrative law, legal counselling in land issues area and litigation in these areas.*

2. Text in bold indicates posts or missions held at present.

- January 2000–December 2000 – advocate trainee at Allen & Overy Slovakia

Worked in one of the most successful English-based law firms worldwide, providing legal service in all areas of law

- September 1998–December 1999 – advocate trainee at Deloitte & Touche Slovakia

Commercial law focusing work. Drafted all kinds of legal agreements, legal advisory services in areas such as tax law, corporate, labour law, social security, customs, foreign exchange, stocks, stay of foreign expatriates in the Slovak Republic, the tax procedures, appeals against tax authority decisions, representation of clients on Supreme court as a highest court in dealing with an administrative decisions.

- January 1998–September 1998 – advocate trainee
- October–November 1997 – law firm Tyndallwoods, Birmingham (United Kingdom). Internship in English law firm focused on human rights-related cases.

IV. Human rights-related experience

- 2013 – member of Working group on human rights and fundamental freedoms at the Ministry of Justice of the Slovak Republic, focused on harmonization of the law of the Slovak Republic with EU law
- August 1996–September 1998: External legal adviser of UNHCR Bratislava

Implementation of international public law in Slovakia with special regard to refugee and asylum law. Dealing with administrative bodies such as Migration Office, Ministry of Interior and Police Authorities, District Police offices, Border Police, Headquarters of Police Forces of SR and implementation of Administrative law. Drafting claims and representation before the Supreme Court of the Slovak Republic and Constitutional Court of the Slovak Republic and appeals to the Ministry of Interior. Work with refugees in the field – visiting them in refugee camps and police custody.

- August 1996–September 1998: Internal legal adviser at NGO INFOROMA

Legal advisor in the field of minority rights with special regard to ethnic minority rights.

- September 1995–January 1996: UNHCR Bratislava Liaison Office for Slovakia

Research on the rights of stateless persons in the Slovak Republic. This research is a manual for stateless persons and the rights they enjoy (or lack) in Slovakia according to legal status, employment, education, marriage, health and the other areas of legal and social life. This research was made for UNHCR in English.

V. Publications

The brochure “The rights of stateless persons in the Slovak Republic” – manual for stateless persons and the rights they enjoy (or lack) in Slovakia according to legal status, employment, education, marriage, health and the other areas of legal and social life.

VI. Languages

Language	Reading			Writing			Speaking		
	very good	good	fair	very good	good	fair	very good	good	fair
First language: Slovak	X			X			X		
English	X			X			X		
French			X			X			X
Russian			X			X			X

Czech	X			X			X		
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VII. In the event that I do not meet the language proficiency required for the post of judge in an official language, I confirm my intention to follow intensive language classes of the concerned official language prior to, and if need be also at the beginning of my term of duty if elected a judge on the Court.

VIII. Other relevant information

N/A.

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

I certify that all information stated in this resume is true and complete to the best of my knowledge.

Bratislava, 14 October 2013

Appendix 2 – Ondrej LACIAK

CURRICULUM VITAE³

I. Personal details

Name: Laciak

Forename: Ondrej

Sex: Male

Date and place of birth: 2 August 1980, Bratislava

Nationality: Slovak Republic

II. Education and academic and other qualifications

- October 2007–June 2010: Postgraduate studies (PhD.) at the Comenius University Faculty of Law in Bratislava, Department of Criminal Law, Criminology and Criminalistics (Dissertation Thesis: “Motive, Causes and Conditions of a Crime”)
- April 2005: Doctoral examination (JUDr.) at the Trnava University Faculty of Law, Trnava, Slovak Republic
- 1999-2004: Comenius University Faculty of Law in Bratislava, Slovak Republic, graduated Mgr. – Master of Law
- 1995-1999: Secondary education, Gymnasium of Ján Papánek, Bratislava, Slovak Republic

III. Relevant professional activities

a. Description of judicial activities

- January 2012 to present: **Member of the Judicial Selection Commission of judges** of the District courts, Appellate courts and the Supreme Court of the Slovak Republic
- January 2008 to present: **Attorney, criminal defense counsel – Barrister** (Dr Ondrej Laciak Law office) practising mainly criminal law, experience also in representations of victims in criminal proceedings and at the Constitutional Court of the Slovak Republic
- September 2004 to December 2007: Junior Lawyer at the Dr Totkovič Law office in Bratislava – focusing on civil, corporate and criminal law
- 2002-2004: Paralegal in a Law office

b. Description of non-judicial legal activities

- October 2013 to present: Member of the working group of the Slovak Bar Association for international relations and criminal law
- September 2013: Visiting Fellow at the University of Ottawa, Faculty of Law, Canada
- June 2013 to present: **President of the Slovak Criminal Bar Association** at the Slovak Bar Association
- November 2012: Visiting Fellow at the Lomonosov Moscow State University, Faculty of Law, Russia
- October 2012 to present: **Member of the Legal Expert Advisory Panel (LEAP)** of the Fair Trials International – panel of experts in criminal justice, fundamental rights and access to justice from across the European Union
- July 2012: Visiting fellow at the Montclair State University, New Jersey, United States

3. Text in bold indicates posts or missions held at present.

- June 2012: Core organizing team member of the XIIth International Conference on Human Rights held at the Comenius University in Bratislava, Faculty of Law – “Communication as a Measure of Protection and Limitation of Human Rights. Information in Relation to Human Rights”
- May 2012: Visiting lecturer at the Lisbon University, Faculty of Law
- August–September 2011: Visiting fellow and Lecturer at the Shizuoka University, School of Law, Japan
- February 2011 to present: **Vice-Dean for External relations and Postgraduate studies, Comenius University in Bratislava, Faculty of Law**
- April 2011 to present: **Advisory Board member of the European Criminal Bar Association (ECBA)** – pre-eminent independent organization of specialist defense lawyers in all Council of Europe countries
- February 2011 to present: **Member of the Scientific Board of the Comenius University, Faculty of Law in Bratislava, Slovakia**
- November 2010: Visiting fellow and Lecturer at the Tel Aviv University, Faculty of Law, Israel
- September 2010 to present: **Scientific Assistant (researcher) at the Department of Criminal Law and Criminology, Comenius University Faculty of Law in Bratislava** (lecturing criminal law and criminal procedure)
- May–June 2010: Visiting fellow at the New York University School of Law in New York, New York, United States
- August–September 2009: Visiting fellow at the Fordham University School of Law in New York, New York, United States
- April 2008, March 2012, March 2013: Core organizing team member of the international conference – “Milestones of Law in the Central Europe” held in Častá Papiernička, Slovak Republic
- September 2001: Participation in organizing the conference “The Electronic Trade and Electronic Signature” held at the Comenius University, Faculty of Law in Bratislava
- September 2008 to June 2010: Assistant of Professor (Lecturer) at the Department of Criminal Law and Criminology, Comenius University Faculty of Law in Bratislava – lecturing criminal law and criminal procedure

c. Description of non-legal professional activities

N/A.

IV. Activities and experience in the field of human rights

Advisory Board member of the European Criminal Bar Association (ECBA), whose primary aim and objective is to be a leading group of independent criminal defense lawyers in Council of Europe member countries promoting the fundamental rights of persons under criminal investigation, suspects, accused and convicted persons.

Member of the Legal Expert Advisory Panel (LEAP) of the Fair Trials International. The aim of the Fair Trials International is the protection of fair trial rights and to defend the rights of people facing criminal charges in a country other than their own.

V. Public activities

a. Public office

- Vice-Dean for External relations and Postgraduate studies, Comenius University in Bratislava, Faculty of Law

b. Elected posts

- Member of the Judicial Selection Commission of judges for district courts, appellate courts and the Supreme Court of the Slovak Republic
- President of the Slovak Criminal Bar Association by the Slovak Bar Association

- Advisory Board member of the European Criminal Bar Association (ECBA)

c. Posts held in a political party or movement

None.

VI. Other activities

N/A.

VII. Publications and other works

- co-author of “Criminal Code, Special part – Commentary”, Publisher C.H. Beck, Prague, 2011
- co-author of book “Criminal procedure”, Publisher Heureka, 2012
- scientific legal articles, e.g.:

Some notes about criminal law in the Slovak Republic (Shizuoka law journal, No. 4, Japan, March 2012)

- contributions at national and international scientific conferences, e.g.:

Trafficking in human beings in the context of regulatory Council of Europe in correlation criminal justice of the Slovak Republic (international conference – Law as a unifying factor of Europe – jurisprudence and practice, section the Role of National Criminal Law in the European Union Area, Comenius University, Faculty of Law, 2010)

Rights of suspects in the Slovak Republic (ECBA conference in the University of Nicosia, Cyprus, 2011)

Right to information in Slovak criminal procedure. (International conference – Communication as a measure of protection and limitation of human rights. Information in relation to human rights, Bratislava, Comenius University, Faculty of Law, 2013)

VIII. Languages

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

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

I confirm my intention to follow intensive language classes of the French language prior to, and if need be also at the beginning of a term of duty if elected a judge on the Court

X. Other relevant information

N/A.

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

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

Appendix 3 – Marica PIROŠÍKOVÁ

CURRICULUM VITAE⁴

I. Personal details

Name, forename: Pirošiková, Marica

Sex: Female

Date and place of birth: 23 September 1976, Banská Bystrica (Slovak Republic)

Nationality: Slovak

II. Education and academic and other qualifications

- 1990–1994: A. Sládkovič Secondary Grammar School, Banská Bystrica, Slovak Republic
- 1994–1995: Alliance Française, Paris, France
- 1995–2000: Comenius University, Faculty of Law, Bratislava Slovak Republic
- 2003: Bar examination, Slovak Bar Association, Bratislava, Slovak Republic
- 2004: Qualifying examination to enter permanent civil service, Ministry of Justice, Bratislava, Slovak Republic
- 2004: Post-graduate law examination, Bratislava, Slovak Republic

III. Relevant professional activities

- 2000–2002: Lawyer in the Office of the Agent of the Slovak Republic before the European Court of Human Rights, Ministry of Justice, Bratislava, Slovak Republic
- 2002–2007: Co-Agent of the Slovak Republic before the European Court of Human Rights, Ministry of Justice, Bratislava, Slovak Republic
- **2007 to present: Agent of the Slovak Republic before the European Court of Human Rights, Ministry of Justice, Bratislava, Slovak Republic** (The Agent of the Slovak Republic before the European Court of Human Rights is in the Slovak Republic responsible not only for the proper defence of the Slovak Republic before the European Court of Human Rights, but also for the execution of the European Court of Human Rights judgments. Within this remit, she regularly attends meetings of the Committee of Ministers of the Council of Europe and makes reports in this regard for the Slovak Republic. In addition she is very actively involved in harmonizing practice of the general courts and the Constitutional Court of the Slovak Republic with the case-law of the European Court of Human Rights, as well as harmonization of legislation with the standards of the Convention. In this respect, she is in regular contact with the presidents of all courts, including the Supreme Court of the Slovak Republic, as well as the Constitutional Court of the Slovak Republic.)

IV. Activities and experience in the field of human rights

- 1999–2001: Lecturer in the “Street Law” Project which focuses on raising legal awareness of students, police and teachers in secondary grammar schools, Open Society Foundation
- Since 2000: Translation of the judgments of the European Court of Human Rights from French and English into Slovak
- Since 2001: Giving regular talks on the case-law of the European Court of Human Rights at various conferences and seminars
- 2001–2002: Project manager and lecturer in the Project “Educating judges and judicial candidates in the case-law of the European Court of Human Rights”, Society of Lawyers and Friends of Law

4. Text in bold indicates posts or missions held at present.

- 2001–2004: Giving lectures to students and teachers of secondary grammar schools in the case-law of the European Court of Human Rights, Information Office of the Council of Europe in Bratislava
- Since 2005: Member of the DH-PR (The Council of Europe Committee of Experts for the improvement of procedures for the protection of human rights)
- 2005–2007: Member of the Administrative Board of the Civil Association EUROIURIS – European Legal Centre which organises seminars and conferences on the European law for judges, prosecutors and advocates; publishes in this area of law; prepares, co-ordinates and conducts Slovak and European projects concerning education and research
- Since 2006: External member of pedagogical staff of the Judicial Academy of the Slovak Republic giving regular lectures on the issues concerning case-law of the European Court of Human Rights and its impact on decision-making activity of national courts.
- Since 2008: Leader and lecturer in the project “Legal protection of the human rights in the EU and CoE and its application within the legal system of the Slovak Republic” (seminars for judges, prosecutors, legal advisers to the Constitutional Court), Civil Association EUROIURIS and Open Society Foundation.
- 2008: In co-operation with the Council of Europe, organisation of the Seminar on the role of Government Agents in ensuring effective human rights protection, organised under the Slovak Chairmanship of the Committee of Ministers of the Council of Europe.
- Since 2008: As an expert on the Council of Europe, lecturing on the case-law of the European Court of Human Rights and execution of its judgements in various member States of the Council of Europe – e.g. at the conference “Strengthening Subsidiarity: Integrating the Court’s Case-law into National Law and Judicial Practice” (1-2 October 2010, Skopje, “the former Yugoslav Republic of Macedonia”), at the round table on “Execution of Strasbourg Court’s judgements on property restitution/compensation” (17 February 2011, Bucharest, Romania), at the working meeting of experts of the Council of Europe Members States to the recommendation of the Committee of Ministers of the Council of Europe 2008 (2) on Efficient Domestic Capacity for Rapid Execution of Judgments of the ECHR (15-16 December 2011, Tirana, Albania), at two seminars on effective remedies in relation to excessive length of judicial proceedings and proceeding on execution of judgment (26-28 March 2012 and 13-15 June 2012, Chisinau, Moldova), and at the round table on Excessive length of proceedings – how to solve an important systemic problem causing repetitive violations of the European Convention for Human Rights (8-9 November 2012, Antalya, Turkey).
- Since 2008: Member of the Slovak Association of European Law
- 2009: Member of the DH-RE (The Committee of Experts on effective remedies for excessive length of proceedings)
- 2011: Member of the DH-GDR (The Committee of Experts on the Reform of the European Court of Human Rights)
- 2012: Member of the Commission of the Civil Procedure Recodification

V. Publications and other works

- Author of the monograph:

Commentary on the selected Articles of the Convention on the Human Rights and Fundamental Freedoms, 2007
- Co-author of the following publications:

Case-law of the European Court of Human Rights on the selected Articles of the Convention on the Human Rights and Fundamental Freedoms, 2001
Advocate before the European Courts, 2004
French–Slovak, Slovak–French Legal Dictionary, 2005
General Administrative Law, 2007
Human Rights – selected decisions of the European Court of Human Rights and Court of the European Communities, 2008 (updated 2012)

- Author of a number of articles including:

Tendencies concerning the application of Article 6 (1) of the Convention in the disputes involving public authorities, Judicial Revue 2002

Discontinuation of the criminal proceedings, reduction of sentence due to the delays in the proceedings, Judicial Revue 2003

Interpretation of certain domestic Acts in the light of the guarantees contained in Article 5 of the Convention, Judicial Revue 2003

The Auschwitz Lie, Judicial Revue 2004

Effectiveness of domestic remedies in the view of the case-law of the European Court of Human Rights, Judicial Revue 2004

Protection of personality rights, Act No. 58/1969 Coll. and their interpretation in accordance with the guarantees of Article 5 of the Convention, Judicial Revue 2005

The amount of the just satisfaction awarded at national level for delays in the proceedings in the light of the recent case-law of the European Court of Human Rights, Judicial Revue 2005

Execution of the judgment of the European Court of Human Rights by re-opening the proceedings, Judicial Revue 2005

Rights of the victim of a criminal offence in the light of the European Court of Human Rights' case-law, Judicial Revue 2005

The right of an accused to consult the file in connection with the decision on custody given in the pre-trial proceedings, Judicial Revue 2007

Constitutional complaint and the right to a hearing within a reasonable time, Judicial Revue 2008

The right to life and protection of personality rights action, Judicial Revue 2009

The current decisions of the European Court of Human Rights concerning protection of property, Bulletin of Slovak Advocacy 2011

The case-law of the Constitutional Court of the Slovak Republic from the European Court of Human Rights' view, Bulletin of Slovak Advocacy 2012

The actual case-law of the European Court of Human Rights concerning the application of Article 6 (1) of the Convention, Bulletin of Slovak Advocacy 2012

Rights of the victim of a criminal offence in the light of the European Court of Human Rights' current case-law, From Judicial Practise 2013

- For Judicial Revue, furthermore, I select and process the translations of decisions of the European Court of Human Rights.

VI. Languages

Language	Reading			Writing			Speaking		
	very good	good	fair	very good	good	fair	very good	good	fair
a. First language:									
– Slovak	X			X			X		
b. Official languages:									
– English	X			X			X		
– French	X			X			X		

VII. 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.

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

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

I confirm my intention to take up permanent residence in Strasbourg if elected a judge on the Court.

Bratislava, 8 November 2013