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Election of judges to the European Court of Human Rights[1]

List and curricula vitae of candidates submitted by the Government of Monaco

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 Monaco

Letter from Mr Gabriel Revel, Deputy to the Permanent Representative to the Principality of Monaco to the Council of Europe, to Ms Anne Brasseur, President of the Parliamentary Assembly, dated 20 February 2015

[…]

Please find enclosed a file from H.E. the Minister of State, Michel Roger, concerning the CVs of the three Monegasque candidates for election as judge of the European Court of Human Rights in respect of Monaco.

[…]

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Letter from Mr Michel Roger, Minister of State to the Principality of Monaco to the Council of Europe, to Ms Anne Brasseur, President of the Parliamentary Assembly, dated 19 February 2015

[…]

Please find enclosed the CVs in French and English of the three candidates selected by the Government of Monaco with a view to the election of judges of the European Court of Human Rights.

These three candidates are :

– Ms GUIEN Fabienne

– Ms MOUROU-VIKSTRÖM Stéphanie

– Mr ORENGO Philippe

These candidatures have been examined by the Advisory Panel of Experts on candidates for the election of judges of the European Court of Human Rights.

[…]

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

The Government of Monaco published in edition No. 8159 of the Official Gazette *(Journal de Monaco)* of 7 February 2014 a call for candidates, which resulted in the submission of three candidatures. The call for candidates contained details of the procedure in order to satisfy the requirements of transparency. Applicants had two months in which to submit their candidatures.

The criteria set out in the call for candidates were as follows:

– To be of high moral character and to satisfy the conditions required for the exercise of high judicial office, or be jurisconsults with recognised competence, in accordance with Article 21.1 of the European Convention on Human Rights;

– Candidates must be able to exercise their duties for at least half of the nine-year term of office before reaching the age of 70, as provided for in Article 23 of the European Convention on Human Rights;

– To have, in addition to excellent knowledge of national law and public international law, a solid grounding and extensive practice in the field of European protection of human rights;

– Adequate knowledge of English.

A national selection committee was set up, comprising the President of the High Council of Judges and Prosecutors, the President of the Supreme Court, the First President of the Court of Revision, the Minister of Foreign Affairs and Co-operation, and the Chief Legal Advisor (representing the Minister of State).

This Committee met on 5 June 2014 and following detailed consideration concluded that the three candidates selected satisfied the relevant applicable provisions.

The candidatures were examined on paper given that the applicants were known to the members of the Committee.

Appendix 1 – Fabienne GUIEN

CURRICULUM VITAE

I. Personal details

GUIEN Fabienne

Female

Born on 5.11.1956 in Monaco

Monegasque nationality

II. Qualifications

– 1992 – PhD thesis in Fundamental Public Law relating to “Legal Aspects of the Development of Urban Planning in the Principality of Monaco” or the role of the State from 1949 to the present day, presented under the supervision of Professor Hubert CHARLES (in the presence of the Government Minister for Public Works, Mr Bernard FAUTRIER)

– 1984 – Diplôme d’Etudes Approfondies (DEA) in Fundamental Public Law – dissertation on the specific features of the expropriation procedure in Monegasque law

– 1983 – Master’s degree in Public Law

– 1976 – Bachelor’s degree in Public Law

III. Relevant professional activities

– Judicial activities

None

– Professional activities

As Secretary-General of the Economic and Social Council (ESC) since 1992

a. Participation in various bodies and meetings:

– In 2011, participated in the conference “The Council of Europe's Social Charter 50 years on: what's next?” jointly organised by the European Economic and Social Committee and the French Economic, Social and Environmental Council in Paris on 23.9.2011.

– Participated in the EUROMED Summit’s Rome Conference, which brought together ESCs from Mediterranean countries under the aegis of the European Economic and Social Committee and created a specific committee to make progress on women’s rights.

– During the Alexandria Conference held on 18 and 19 October 2009, Monaco’s ESC was asked to chair a working group to “Follow-up on the implementation of the recommendations of the Union for the Mediterranean Conference on strengthening the role of women in society.” As a result, at the direction of the European Economic and Social Committee, within the EUROMED framework, this working group, comprising ESCs from France, Italy, Luxembourg, Malta, Tunisia and Monaco, conducted a debate which culminated in a report.

b. Work:

– On social housing

– Drafted Resolution No. 1998-006 on the issue of social housing, which was adopted on 6 July 1998

– Researched and drafted Statement No. 2002-629 on the future of social housing in Monaco, which was adopted on 6 June 2002

– On employee rights

– Conducted comparative legal study and drafted statement on harassment: No. 2003-646 on taking the concept of harassment into consideration in employment legislation

– Drafted Opinion No. 2012-723 on the bill relating to harassment and violence at work, passed on 6 December 2012

– Researched and drafted statements No. 1993-559 and No. 2003-638 on Monaco's accession to the International Labour Organisation

– On gender equality

– Researched and drafted Statement No. 2012-720 on an integrated approach to gender equality in the Principality in November 2013

– On protecting the most vulnerable

– Drafted Statement No. 696 on the specific needs of the elderly and those who have lost their independence, adopted on 4 November 2009

– Drafted Opinion No. 715 on the bill relating to the disabled, adopted on 9 May 2012

IV. Activities and experience in the field of human rights

– 2007 – Meeting in Monaco on 15.3.2007 of the Social, Health and Family Affairs Committee within the context of the presentation of the European Social Charter

– 2006 – Participated in the meeting with the National Council Monitoring Committee (rapporteurs: Mr Agramunt and Mr Slutsky) on 16 June 2006

V. Public activities

– Speech at international conference of Soroptimist Club in September 2007 on CEDAW

– Convention on the Elimination of All Forms of Discrimination against Women.

As part of the Femmes Leaders Mondiales association of Monaco since 2011, in partnership with GenderHopes created an alert network for women who are victims of violence; created a website and a day of action on 25 November

VI. Other activities

None

VII. Publications and other works

None

VIII. Active knowledge of one of the official languages of the Council of Europe

– First language: French; reading, writing, speaking: very good

– Second language: English: reading, very good; writing and speaking, good

– Other languages: Italian: reading, very good; writing and speaking, good. Spanish: basics.

IX. Level of linguistic competence

I, the undersigned, Fabienne Guien, certify in accordance with point IX of the Appendix to the call for candidates for the post of national judge on the European Court of Human Rights, published in the Journal de Monaco No. 8.159, the official bulletin of the Principality of Monaco, on 7 February 2014

Confirm my intention to follow intensive language classes in the language concerned prior to, and if need be also at the beginning of, my term of duty as a judge on the Court.

X. Permanent residence

I, the undersigned, Fabienne Guien, certify in accordance with point XI of the Appendix to the call for candidates for the post of national judge at the European Court of Human Rights, published in the Journal de Monaco No. 8.159, the official bulletin of the Principality of Monaco, on 7 February 2014

Confirm that I agree to take up permanent residency in Strasbourg if elected a judge on the Court.

Appendix 2 – Stéphanie MOUROU-VIKSTRÖM

CURRICULUM VITAE[2]

I. Personal details

Name, first name: MOUROU-VIKSTRÖM Stéphanie

Sex: female

Date and place of birth: 1 November 1970 in Marseille, France

Nationality: Monegasque

II. Education and academic qualifications

– June 1988 – Baccalauréat D (Mathematics and Natural Sciences)

Admitted to first year of preparatory course for the Grandes Ecoles (literary and humanities). Lycée Masséna, Nice.

– June 1989 – First-year law. University of Aix-en-Provence.

– June 1990 – Second-year law. University of Aix-en-Provence.

– June 1991 – Bachelor's degree in Law with International Law. University of Aix-en-Provence.

– June 1992 – Master's degree in Law, ERASMUS exchange programme, year of study at University of Exeter (United Kingdom).

Passed law exams in English in the following subjects: Public International Law, English Legal History, Substantive Law of the European Community, Company Law.

– June 1993 – Diplôme d'Etudes Approfondies (DEA) in International Public Law. University of Aix-en-Provence. Grade: *assez bien* (lower second-class honours). Dissertation: "The free movement of persons in the agreements between the EEC and the countries of Eastern Europe".

– 1999 – PhD thesis: "The international relations of the Principality of Monaco", Public Law, University of Aix-en-Provence, grade *très honourable* (distinction). Thesis supervisor: Mr Yves DAUDET, Vice President of the University Paris I Panthéon-Sorbonne.

– 2000-2001 – Auditeur de justice (trainee) at the French National School for the Judiciary (Ecole National de la Magistrature, ENM) in Bordeaux. Awarded ENM diploma, grade: excellent.

Judicial internship at the Tribunal de Grande Instance (regional civil court) in Paris

III. Relevant professional activities

a. Description of judicial activities

– 2002 – Assistant Judge at the Court of First Instance in Monaco.

– 2003 – Assistant Public Prosecutor.

– Gave prosecution address during criminal hearings, real-time direction of police investigations (detention in custody, searches, confrontations, opening preliminary judicial investigations and monitoring cases, prosecution address relating to the extension of arrest warrants or requests for release), dealing with investigation files, processing of extradition cases.

– Chaired the Legal Aid Office.

– 2006 – Judge at the Court of First Instance in Monaco.

– Civil hearings and drafting of judgements.

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

– Presided over hearings for flagrante delicto cases and drafted criminal judgements.

– 2012 – Chief Judge at the Court of First Instance in Monaco.

In this capacity: regularly presided over civil and criminal hearings, judge responsible for overseeing expert reports and, on an occasional basis, presided over commercial hearings, hearings of the Employment Tribunal (social law) and summary hearings.

Permanent liberties and detention judge (drafted reasoned orders regarding any request to extend custody).

– 2013 – **President of Children's Tribunal**, ruling on minor and serious criminal cases.

In this capacity, drafted numerous judgements ruling on requests brought by the defence to declare proceedings void on the basis of the direct application of article 6 of the European Convention on Human Rights (right to silence, access to file, right to legal representation while in custody).

b. Description of non-judicial legal activities

– Between 2005 and 2007 – Participated in meetings to develop legislation relating to the status of the judiciary in the Principality of Monaco and to combatting domestic violence.

– 2009 – Appointed as a member of the Data Protection Authority of Monaco (Commission de Contrôle des Informations Nominatives, CCIN).

Adopted recommendations on biometric identification and video surveillance (private premises). Participated in deliberations on files complied by the police (fingerprints and palm prints, urban remote security, etc.).

Responsible for monitoring the personal information recorded on files held by the Police Department and SICCFIN as part of the indirect right to access for individuals.

Drafted reports on the compatibility of data held by the public authorities with Council of Europe Convention 108, article 8 of the ECHR and Monegasque legislation on protecting personal data.

– 2012 – Appointed as external lawyer for the European Patent Organisation Legal Board of Appeal.

IV. Activities and experience in the field of human rights

– October 2005 – Participated as judge representing the Principality of Monaco in a seminar organised in Strasbourg by the Steering Committee for Human Rights (CCDH) to mark the entry into force of Protocol No. 12 to the European Convention on Human Rights.

– May 2006 – Drafted response to the questionnaire from the Council of Europe Secretariat General (DG I Legal Affairs) in advance of the 6th Conference of European Public Prosecutors on "the responsibilities of the public prosecutor in Monaco with regard to persons deprived of their liberty".

– Study visit to the European Court of Human Rights:

– 1 June-15 July 2012

– 4 March-12 April 2013

Worked within a division of lawyers primarily dealing with cases relating to France and Ukraine. Participated actively in the daily work of the division:

• Processed petitions

• Produced draft papers, decisions and judgements

• Having carried out preliminary preparation of cases, attended meetings of the branch of the Court

• Processed interim measures (Article 39 of the Internal Rules of Court)

– July 2012 – Participated in a Council of Europe meeting in Strasbourg on "monitoring children's rights in Europe". Round table on access for children and their representatives to individual and collective complaints procedures, the situation of children who are deprived of their liberty, and children from minority groups and migrant children.

– 2012 – Member of the European Commission for the Efficiency of Justice (CEPEJ)

• Participated as the representative of Monaco in plenary meetings.

• February 2013: drafted CEPEJ questionnaire on timeframes for judicial proceedings and States' understanding of "reasonable timeframe".

• Member of the CEPEJ evaluation group.

• Designated expert for the peer assessment of the judicial system in Estonia. April 2014 (pending).

• National representative responsible for developing the assessment grid for the judicial system in the Principality of Monaco (reference year: 2012).

– April 2013 – Attended training day at the International Institute of Human Rights: "Representation of Applicants before the European Court of Human Rights".

– May 2013 – Participated in symposium organised by the International Association of Lawyers: "Recent developments regarding the jurisprudence of the ECHR in civil and criminal proceedings".

– 2014 – Member of the Consultative Council of European Judges (CCJE)

Co-drafted questionnaire on the assessment of judges in Monaco.

V. Public activities

a. Public office

b. Elected posts

c. Posts held in a political party or movement

None.

VI. Other activities

– Member of examination panel for admitting lawyers to the Bar of the Principality of Monaco

– Member of the selection board for police inspectors/criminal investigation officers and Police Department officers

– Participate regularly in initial training for trainee lawyers in Monaco through "training conferences" consisting of a presentation on the various aspects of Monegasque positive law

– 2006 – Appointed as National Patent Judge

In this capacity, participated in a variety of seminars and meetings organised by the European Patent Organisation:

• 2007 – Study visit for national judges to Munich

• 2008 – Opposition and appeal procedures before the European Patent Organisation, in Munich

• 2008 – Patent disputes and proceedings, in Ljubljana

Represented Monaco at symposia of national patent judges in Bordeaux (2008), Lisbon (2010), Dublin (2012) and Tallinn (2014) (forthcoming)

– From 2004 to 2014 – Continuous professional development at the French National School for the Judiciary. Sessions attended include:

• International cooperation on criminal matters (Paris)

• The Council of Europe and the European Court of Human Rights (Strasbourg)

• Bioethics (Paris)

• Violence and young people (Paris)

• Common law (Paris)

• The Court of Justice of the European Union (Luxembourg)

– November 2012 – participated as a member of the Data Protection Authority of Monaco in the 6th Annual Conference of the Association of Francophone Personal Data Protection Bodies (Association francophone des autorités de protection des données personnelles, AFAPDP)

VII. Publications and other works

– 1993 – DEA dissertation "The free movement of persons in the agreements between the EEC and the countries of Eastern Europe", 105p., University of Aix-en-Provence.

– 1993 – Co-drafted research reports as part of DEA studies:

• "United Nations Security Council Resolution 687", 24p., University of Aix-en-Provence

• "The nationality of multinational firms and Community law", 19p., University of Aix-en-Provence

• "Interpretation and review of decisions of international justice", 26p., University of Aix-en-Provence

• "The Lomé system", 35p., University of Aix-en-Provence

– 1999 – PhD thesis "The international relations of the Principality of Monaco", published by Presses universitaires du Septentrion, in the collection *Thèse à la carte*, 454p.

– 2014 – Academic article: "La difficile conciliation entre surveillance secrète et protection des libertés individuelles: un défi réussi pour la Cour européenne des Droits de l'Homme?" ["The difficulty of reconciling secret surveillance and the protection of individual liberties: a challenge successfully overcome by the European Court of Human Rights?"], *Revue pénitentiaire et de droit penal*, Ed. Cujas, 2014, 36p. (pending publication)

– 2014 – Address on the return of the judiciary for the 2014 autumn session on the topic: "Les grandes réformes institutionnelles de la Cour européenne des Droits de l'Homme" ["The major institutional reforms of the European Court of Human Rights"], published in the *Revue de droit monégasque* (pending publication).

VIII. Languages

a. First language

– French: native language

b. Other official language

– English: reading (very good) – writing (very good) – speaking (very good), Bilingual

Diploma in English from Marlborough College (University of Oxford)

TOEFL: 623 points

c. Other languages

– Swedish: reading (good) – writing (fair) – speaking (good)

Diploma from Folkuniversitetet (diploma in Swedish), advanced level

– Spanish:

Good knowledge.

IX. I confirm that I will take up permanent resident in Strasbourg if elected a judge on the European Court of Human Rights.

Appendix 3 – Philippe ORENGO

CURRICULUM VITAE

I. Personal details

Surname, first name: ORENGO, Philippe

Sex: Male

Date and place of birth: 13 November 1953 In Monaco (Principality Of Monaco)

Nationality: French

II. Education and academic qualifications

– Master's degree from the Institut d'Études Politiques (IEP), Paris (class of 1977)

– Diplôme d'études approfondies (DEA) in Political Sciences, IEP Paris (1979)

– Diploma in German (Goethe Institute, 1973)

III. Relevant professional activities

a. Description of judicial activities

The administrative court of which I am a member does not engage in any judicial activities per se; it does, however, have cognisance of such activities: firstly, through ruling on criminal cases involving the administrative offence of damaging or obstructing the highways (*contravention de grande voirie*); secondly, within the context of preliminary rulings; and, thirdly, by analogy, in disputes relating to fundamental freedoms (in particular, disputes involving foreign nationals).

b. Description of non-judicial legal activities

As part of my previous activities within local government in the office of the Mayor of Paris, then in the State civil service as a sub-prefect, a priori monitoring of the legality of administrative acts.

My jurisdictional role at the Nice Administrative Court (Tribunal administratif de Nice) is described in point IV below.

As part of my additional activities as a member of the Principality of Monaco's Council of State (since 5 July 2008), I fulfil the role of rapporteur for areas devolved to the institution by article 52 of the Constitution of the Principality of Monaco.

As a member of the Principality of Monaco's High Commission for Urban Development, I play an advisory role regarding the application of the legislation and regulations on urban planning.

As a member of the Monegasque Anti-Doping Commission, I take decisions regarding the application of the legislation and regulations on sport and combatting doping, as well as the provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms, including in the context of disciplinary action devolved to the Commission's disciplinary section.

c. Description of non-legal professional activities

Not applicable.

IV. Activities and experience in the field of human rights

As part of my previous role in the office of the Mayor of Paris (from 1 January 1980 to 31 December 1987) where, among other things, I was responsible for relations with the voluntary sector and faith organisations, as well as in my capacity as a sub-prefect (from 1 January 1988 to 30 June 1994), where I had particular responsibility for monitoring the legality of administrative acts and, finally, as part of my jurisdictional role at the Nice Administrative Court (since 1 July 1994), initially at the level of counsellor acting as a single judge and member of a panel, then at the level of lead counsellor acting as a government commissioner (public rapporteur) from 1996 and, finally, at the level of president of the counsellors of the administrative court and the administrative court of appeal, acting as Vice-President of the Nice Administrative Court, President of the

Panel, single judge and summary judge, I have had cognisance of, delivered verdicts and ruled on disputes involving the rights directly or indirectly guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms in the majority of contentious areas of public law and, in particular, relating to public freedoms, disputes brought by foreign nationals (including expulsions) and relating to the right of asylum, work and employment disputes, social disputes, disputes relating to expropriation for public utility, disputes relating to municipal and district elections, and disputes relating to education. As part of this work, I have had to apply, in various circumstances, all of the articles of the European Convention cited above, and all of the articles contained in the additional protocols to the Convention.

V. Public activities

– Member of the Council of State of the Principality of Monaco;

– Expert member of the High Commission for Urban Development of the Principality of Monaco, an advisory body, since 4 October 2009;

– Member of the Monegasque Anti-Doping Commission, President of the disciplinary section since 1 January 2012, and President of the Commission since 1 January 2015.

VI. Other activities

Since 2000, humanitarian and social activities as a counsellor and member of the Monegasque National Association of the Order of Malta.

VII. Publications and other works

– “The European Elections, The Rules of the Game”, Elzevier, Amsterdam, 1979

– “Les élections européennes, le cas du Danemark” [“The European elections: the example of Denmark”], Fondation nationale des Sciences Politiques, Paris, 1979;

– “Les Pays d’Europe occidentale” [“The Countries of Western Europe”], La Documentation Française, Paris (annual articles on Denmark, Iceland, Finland, Norway and Sweden, from 1979 to 2002, after which this review was no longer published);

– “Les systems politiques des pays de l’Union européenne” [“The political systems of the countries of the European Union”], Armand Colin, U Droit, Paris 1994 (collective work edited by Yves Guchet);

– “La Finlande en Europe” [“Finland in Europe”], Jean Monnet Faculty of Law, Paris-Sud University, 1990;

Various notes and articles in French and international publications (*Larousse universel* dictionary, *Actualité juridique du droit administrative,* bulletin of the Lisbon Geographical Society, etc.). Various university lectures and papers given at legal symposia in France and abroad, particularly on issues of procedure or substance in public law.

VIII. Languages

– First language: French

– Official languages:

– English: reading (very good), writing (good), speaking (very good)

– German: reading (very good), writing (good), speaking (very good)

– Danish: reading (very good), writing (very good), speaking (very good)

IX. I confirm my intention to improve my knowledge of legal English if required.

X. Other relevant information

Not applicable.

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