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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 the Czech Republic

Communication
Secretary General of the Parliamentary Assembly

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

Letter from Mr Emil Ruffer, Permanent Representative of the Czech Republic to the Council of Europe, to Ms Despina Chatzivassiliou-Tsovilis, Secretary General of the Parliamentary Assembly, dated 22 July 2021.

[…]

I have the honour to transmit to you herewith the Czech Republic's candidates for the election as a judge to the European Court of Human Rights. The list was approved by the Czech Government's decision No.615 of 12 July 2021 […]

The candidates are as follows (in alphabetical order):

– Mr Tomáš Langášek, judge at the Supreme Administrative Court,

– Ms Kateřina Šimáčková, judge at the Constitutional Court,

– Mr Pavel Simon, judge at the Supreme Court.

Please find enclosed the Czech Government's decision, the nomination letter, the curricula vitae and motivation letters of the candidates, as well as the revised and updated Rules governing the selection of candidates for the post of judge at the European Court of Human Rights, adopted by the Government Resolution No. 648 of 15 June 2020.

[…]

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

The Czech Republic nomination of candidates for the post of judge at the European Court of Human Rights

Given that the mandate of the current judge of the European Court of Human Rights (ECtHR) elected in respect of the Czech Republic will come to its end as of 31 October 2021, the Ministry of Justice of the Czech Republic (MoJ), pursuant to the Rules Governing the Selection of Candidates for the Post of Judge at the ECtHR (see enclosed), opened a call for applications for the post of a judge at the ECtHR on 21 July 2020. The deadline for the submission of applications expired on 30 September 2020. Within the deadline, 7 applications were presented. After their examination it was concluded that all the applicants should be invited to an interview with the Selection Committee.

The Selection Committee met on 13 November 2020, composed as follows:

– Ms Marie Benešová, Minister of Justice, Chairperson,

– Ms Milada Tomková, Vice-President of the Constitutional Court,

– Mr Petr Angyalossy, President of the Supreme Court,

– Mr Michal Mazanec, President of the Supreme Administrative Court,

– Ms Anita Grmelová, Deputy Minister of Foreign Affairs,

– Mr Vít A. Schorm, Government Agent before the ECtHR,

– Mr Stanislav Křeček, Public Defender of Rights,

– Ms Monika Novotná, Vice-President of the Czech Bar Association,

– Mr Jan Kuklík, Dean of the Law Faculty of Charles University in Prague.

At this meeting, the Selection Committee interviewed all the applicants. They were invited to appear in its front separately, one by one, in alphabetical order, with approximately 45 minutes allocated to each applicant. During the interviews the Selection Committee examined the personal and professional qualities as well as linguistic abilities of the applicants and, in a secret ballot, selected the following three candidates to appear on the List of Candidates (in alphabetical order):

– Mr Tomáš Langášek, judge at the Supreme Administrative Court,

– Mr Pavel Simon, judge at the Supreme Court,

– Ms Kateřina Šimáčková, judge at the Constitutional Court.

The Selection Committee concluded that all the three candidates meet the set requirements, possess high personal and moral qualities, are of a distinguished professional background, have excellent linguistic skills and guarantee independent, impartial and fair decision-making.

To complete the information, the following two applicants have been selected as substitutes:

– Mr Pavel Zeman, Supreme Public Prosecutor, 1st substitute,

– Mr Jiří Kmec, Attorney, 2nd substitute.

Consequently, the List of Candidates containing the three candidates has been sent to the Advisory Panel of Experts on Candidates for Election as Judge to the ECtHR[…]. Pursuant to Art. 7(2) of the Rules, the List of Candidates has subsequently been submitted by the Minister of Justice to the Government which then approved the List of Candidates (Government Resolution No. 615 as of 12 July 2021).

In line with the Art. 7(2) of the Rules, the Ministry of Foreign Affairs hereby submits the List of Candidates to the Parliamentary Assembly of the Council of Europe.

Annex to Government Resolution No 648 of 15 June 2020

Rules governing the selection of candidates for the post of judge at the European Court of Human Rights

Candidates for the post of judge at the European Court of Human Rights (hereinafter referred to as the "Court") elected in respect of the Czech Republic under the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter referred to as the "Convention")[1] shall be selected in a selection procedure according to the following rules:

Article 1 - Timetable of the selection procedure

(1) The Ministry of Justice (hereinafter referred to as the "Ministry") shall make a call for applications for the post of judge at the Court no later than fourteen months before the expected end of the term of office of the current judge at the Court elected in respect of the Czech Republic. There shall be at least a two-month period between the publication of the call on the Ministry's website pursuant to Article 3(1) and the deadline for the submission of applications. The Minister of Justice shall submit a draft list of candidates to the Government no later than eight months before the expected end of the term of office of the current judge at the Court.

(2) If the post of the judge at the Court elected in respect of the Czech Republic falls vacant before the end of his or her term of office, the Ministry shall make a call for applications without undue delay. There shall be at least a two-month period between the publication of the call on the Ministry's website and the deadline for the submission of applications. The Minister of Justice shall submit a draft list of candidates to the Government no later than five months from the deadline for the submission of applications.

Article 2 - Criteria for office

(1) A candidate for the post of judge at the Court shall:

(a) be a citizen of the Czech Republic;

(b) be of high moral character and possess the qualifications required for appointment to high judicial office or to the Constitutional Court or be a jurisconsult of recognised competence;

(c) guarantee his or her independence and impartiality in the performance of the duties of a judge at the Court upon election;

(d) have the necessary knowledge of international protection of human rights and, in particular, the case law of the Court;

(e) be proficient in at least one official language of the Court and possess at least a passive knowledge of the other;[2]

1. Published in the Official Gazette under number 209/1992
2. These languages are English and French (Rule 34 § 1 of the Rules of Court).

(f) be less than 65 years of age at the date by which the list of three candidates has been requested by the Parliamentary Assembly of the Council of Europe,[3] if this date is after the entry into force of Protocol No. 15 to the Convention.[4]

(2) A candidate for the post of judge at the Court should:

(a) be proficient in both official languages of the Court;

(b) meet the age criterion, whereby the age limit of 70 years[5] enables him or her to serve as a judge for a full and proper term of office[6] or, if elected to replace a judge whose term of office has not expired, the age limit of 70 years enables him or her to serve as a judge for the remainder of his or her predecessor's term;[7] the provisions of this subparagraph shall not apply after the entry into force of Protocol No. 15 to the Convention;

(c) not, if elected, give rise to the need to appoint *ad hoc* judges to consider applications submitted to the Court.

Article 3 - Call for applications

(1) The Ministry shall take appropriate measures to ensure that the call for applications is made available to the public as widely as possible. In particular, it shall publish the call on its website and notify it to courts, public prosecutor's offices, legal professional organisations and deans of the law faculties of public universities in the Czech Republic.

(2) In the call, the Ministry shall specify the requirements of applications and other details concerning their submission.

(3) Applicants shall submit their applications to the Ministry within the time limit specified in the call.

Article 4 - Composition of the selection committee

(1) The selection committee shall consist of nine members, specifically:

(a) the Minister of Justice or his or her delegated deputy minister at the Ministry of Justice, who shall also chair the committee;

(b) the Minister of Foreign Affairs or his or her delegated deputy minister at the Ministry of Foreign Affairs;

(c) the Agent of the Government of the Czech Republic before the Court;

(d) the President of the Constitutional Court;

(e) the President of the Supreme Court;

(f) the President of the Supreme Administrative Court;

(g) the Public Defender of Rights;

(h) a member appointed by the President of the Czech Bar Association;

(i) a member appointed by the deans of law faculties of public universities.

(2) Persons applying for the post of a judge at the Court and persons in a family or similar relationship with an applicant are not entitled to sit on the committee; in cases of doubt, a decision shall be taken by the committee.

(3) If a member appointed pursuant to paragraph (1)(c) to (g) is unable to participate personally in the committee, his or her immediate statutory subordinate shall become a member of the committee instead. If a member appointed pursuant to paragraph (1)(h) or (g) is unable to participate personally in the committee, the person or persons appointing that member shall appoint another member instead.

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3. Article 21 § 2 of the Convention, as amended by Protocol No. 15.
4. Article 8 § 1 of Protocol No. 15.
5. Article 23 § 6 of the Convention, as amended by Protocol No. 11; Article 23 § 2 of the Convention, as amended by Protocol No. 14.
6. Article 23 § 1 of the Convention, as amended by Protocol No. 11 or Protocol No. 14.
7. Article 23 § 5 of the Convention, as amended by Protocol No. 11.

Article 5 - Session of the selection committee

(1) The committee shall be convened for session by the Minister of Justice after the deadline for the submission of applications has expired. The committee shall be quorate if at least five of its members are present. It shall pass decisions by a majority of the votes of those members present. The committee chairperson shall have the casting vote in the event of a tie.

(2) The committee chairperson shall examine the applications submitted, where appropriate invite applicants to clarify any discrepancies in their applications, and distribute the applications to the other members of the committee. At the same time, he or she shall propose the exclusion of those applications which manifestly do not meet the requirements of Article 2(1) or are incomplete and in respect of which the applicant has not given sufficient justification for failing to comply with the requirements set out in the call under Article 3(2), and shall set a reasonable time limit for members of the committee to respond to this proposal. If no member of the committee objects to the exclusion of a given application within the set time limit, the committee shall no longer take that application into account. The committee chairperson shall notify this decision to the applicant concerned.

(3) The committee chairperson shall subsequently invite applicants whose applications have not been excluded pursuant to paragraph (2) to attend an interview, and shall do so no later than ten days before the interview is to be held. In its interviews with applicants, the committee shall comprehensively examine their suitability to hold the post of a judge at the Court and shall ascertain their motivation. It may request additional documents from applicants. In those cases where applicants have not credibly demonstrated that they have the language proficiency required to hold the post, the committee shall assess, in an appropriate manner, their linguistic abilities.

(4) After carrying out the procedure under paragraph (3), the committee shall exclude applicants who do not meet the requirements set out in Article 2(1). If there are fewer than three remaining applicants or if both sexes are not represented, the committee shall decide how to proceed in order to find the candidates missing; Article 3 shall apply *mutatis mutandis*.

(5) The committee shall select, from the remaining applicants, the three who best meet the requirements set out in Article 2. However, if the candidates selected do not include a candidate of a sex that accounts for fewer than two fifths of the judges at the Court at the time the Parliamentary Assembly invited the Czech Republic to submit its list of candidates, the committee shall place a candidate of the unrepresented sex in third place. The committee may also select one or two alternates from among the remaining applicants, in the appropriate order, taking into account the objective pursued by the preceding sentence.

(6) The committee shall issue a record of its decision-making, in which it shall briefly state the reasons for its decisions. The committee chairperson shall notify applicants of the outcome of the selection procedure.

(7) If, after the committee has selected three candidates, one of them withdraws, dies or ceases to meet the requirements set out in Article 2(1), the committee shall select a replacement candidate, unless an alternate has previously been selected under paragraph (5), or shall *mutatis mutandis* follow the procedure pursuant to the second sentence of paragraph (4).

Article 6 - Consultation of the Advisory Panel[8]

(1) The Minister of Justice shall submit the selected candidates to the Advisory Panel of Experts on Candidates for Election as Judge to the European Court of Human Rights (hereinafter referred to as the "Advisory Panel"), established by the Committee of Ministers of the Council of Europe, for an assessment of whether they fulfil the prescribed requirements.[9] He or she shall usually do so within the time limit set by the Advisory Panel.

(2) At the same time, the Minister of Justice shall inform the Advisory Panel of these Rules Governing the Selection of Candidates for the Post of Judge at the Court and of the course of the selection procedure, and shall also provide the Advisory Panel with any additional information it may request.

(3) If the Advisory Panel concludes that any of the nominated candidates does not fulfil the prescribed requirements, such a candidate shall be treated as though he or she had been excluded from the selection procedure; the Minister of Justice shall notify the candidate thereof. The Minister of Justice shall submit an

8. Resolution CM/Res(2010)26 of the Committee of Ministers of the Council of Europe

9. Article 21 of the Convention, and the Guidelines of the Committee of Ministers on the selection of candidates for the post of judge at the European Court of Human Rights

alternate candidate, in the determined running order, to the Advisory Panel for assessment or, in the absence of such an alternate, shall refer the matter to the selection committee in order for the procedure referred to in Article 5(7) or, where appropriate, in the second sentence of Article 5(4) to be followed.

(4) In relation to the Advisory Panel, the Minister of Justice shall act through the Minister of Foreign Affairs, unless they agree otherwise.

Article 7 - List of candidates of the Czech Republic

(1) The list of candidates of the Czech Republic shall consist of three candidates selected following the procedure laid down in Article 5. The candidates shall be listed in alphabetical order.

(2) The list of candidates shall be approved by the Government on a proposal from the Minister of Justice. The Minister of Foreign Affairs shall then transmit the list of candidates, together with information on these Rules Governing the Selection of Candidates for the Post of Judge at the Court and on the course of the selection procedure, to the Parliamentary Assembly of the Council of Europe.

(3) If the Government does not approve the list of candidates, the selection procedure shall be repeated. The time limits referred to in Article 1 may be shortened accordingly in such case. If the reasons that moved the Government not to approve the list of candidates so allow, for the purposes of the repeated selection procedure the committee may decide to use the applications submitted in the original selection procedure.

(4) If any of the candidates withdraws or dies before the Parliamentary Assembly votes, the Minister of Justice shall proceed with an alternate selected by the selection committee under Article 6 and, in the absence of an alternate, shall convene the committee to decide how to proceed in order to find a replacement candidate. Articles 5 and 6 shall then apply *mutatis mutandis*. Only the replacement candidate shall be submitted to the Government for approval under paragraph (2).

(5) Paragraph (4) shall also apply *mutatis mutandis* if the Parliamentary Assembly does not accept, in its entirety, the list of candidates

Appendix 1 – Tomas LANGÁŠEK

CURRICULUM VITAE[10]

I. Personal details

Name, forename: Langášek, Tomas

Sex: male

Date and place of birth: 13 February 1974, Kyjov, Czechoslovakia (Czech Republic)

Nationality: Czech

For more details see personal profiles at www.nssoud.cz and www.usoud.cz

http://www.nssoud.cz/soudci

https://www.usoud.cz/en/emeriti-justices-and-court-officials

II. Education and academic and other qualifications

– Masaryk University, Brno, Czech Republic, Faculty of Law, Degree: JUDr. (Doctor in Law), Advanced State Examination, 18 January 2012, Advanced Thesis: Constitutional Court of the Czechoslovak Republic 1920-1948

– Ministry of Justice, Praha, Czech Republic, Expert Judicial Examination, 10 February 2006

– Central European University, Budapest, Hungary, Legal Studies Department, Degree: LL.M. in Comparative Constitutional Law with Merit; 22 June 2000, from August 1999 to June 2000, Long Thesis: Access to National Security Information in the USA, UK, and the Czech Republic

– Cornell University Law School, Ithaca, New York, United-States, from January 2000 to April 2000, Visiting scholar, researcher

– Charles University in Prague, Praha, Czech Republic, Faculty of Law, Degree: Magister (Master in Law); 21 May1999, from September 1994 to June 1999, Long Thesis: Jurisdiction of the Constitutional Court of the Czech Republic compared to that of the Constitutional Court of the Slovak Republic and of the former Constitutional Court of the Czech and Slovak Federal Republic

III. Relevant professional activities

a. Description of judicial activities

– **Supreme Administrative Court (Nejvyssi spravni soud),** Address: Moravské nam. 6, Brno, Czech Republic, www.nssoud.cz

– **President of the Disciplinary Chamber for Judges** (panel of six judges, October 2018 – October 2023). Description of duties and responsibilities: the Disciplinary Chamber of the Supreme Administrative Court acts as a disciplinary court for judges in the first and final instance. It may impose financial penalties or remove a judge from office

– **President of the Electoral Chamber** (panel of seven judges, from August 2016). Description of duties and responsibilities: the Electoral Chamber of the Supreme Administrative Court acts as a unique electoral court: it decides all electoral matters including parliamentary and presidential elections, cassation complaints against the decisions of regional courts on issues of local and regional referenda, and cases concerning the registration and dissolution of political parties

– **President of the 6th Chamber** (from August 2016). Description of duties and responsibilities: a three judges' chamber is a basic decision-unit of the Supreme Administrative Court; it has the general competence to decide on cassation complaints against the decisions of regional courts in matters of public administration (taxes, social security, minor offences, asylum and residence permits etc.)

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

– Judge of the Electoral Chamber (October 2013 – July 2016). Description of duties and responsibilities: see above

– **Judge of the Competence Conflicts Chamber** (from January 2017). Description of duties and responsibilities: this seven-judge chamber is called upon to decide positive as well as negative conflicts of competence between administrative authorities and/or territorial or professional self-governing bodies

– Judge of the Supreme Administrative Court (from March 2013)

– Ministry of Justice. Member of Examination Juries for Expert Judicial Examinations (from May 2017)

a. Description of non-judicial legal activities

– Judicial Academy, Kromërfz, Czech Republic. Member of the Judicial Academy Council (Management Board): August 2009 – February 2013.

– Constitutional Court of the Czech Republic. Address: Jostova 8, Brno, Czech Republic, www.usoud.cz, from January 2009 to February 2013. Position: Secretary General (Court Registrar). Description of duties and responsibilities: superintending the Judicial Department, Analytic Department including Library, External Relations Department, Press Spokesperson, and the Cabinet of the President of the Court, assisting the President of the Court with the organisation and management of the Constitutional Court and its staff in these departments and acting independently on his behalf, preparing agenda of the full plenary sessions of the Court, attending closed meetings of the plenary sessions, signing and sealing voting protocols of the Court decisions adopted in plenary sessions, analysing selected drafts of decisions proposed by other judges, supervising court proceedings, drafting internal rules and orders and being responsible for their execution, dealing with complaints, issuing administrative decisions under the Freedom of Information Act, responding to the complaints against the Czech Republic communicated by the European Court of Human Rights.

– Constitutional Court of the Czech Republic, from November 2006 to December 2008. Position: Head of the Analytic Department. Description of duties and responsibilities: Preparing case-memoranda, analysing drafts of decisions submitted by judges and their law-clerks, conducting legal research focussed on comparative constitutional law, preparing papers, memoranda, analyses and opinions dealing with specific legal questions, running the case-law database of the Constitutional Court (NALUS), drafting official responses to the complaints against the Czech Republic communicated by the European Court of Human Rights.

– Constitutional Court of the Czech Republic, from August 2003 to December 2008. Position: Law Clerk to the President of the Constitutional Court. Description of duties and responsibilities: Assisting the President with the organization and management of the Constitutional Court, preparing the agenda of the full plenary sessions of the Court, taking minutes (court reports) of deliberations in camera, drafting Constitutional Court decisions, preparing case-memoranda, analysing drafts of decisions proposed by other judges, conducting legal research focussed on comparative constitutional law.

– Office of the Government (Cabinet) of the Czech Republic. Address: Nabrez f Edvarda Benese 4, Praha, Czech Republic. From July 2003 to August 2003. Position: Expert in legislative drafting. Description of duties and responsibilities: Drafting a bill amending the Ombudsman Act; according to the bill the ombudsman should undertake systematic and preventive visits to ail places where people are or may be deprived of their liberty by virtue of public power or by virtue of their dependence on care with the aim of strengthening their protection against maltreatment. These include primarily prisons, detention facilities, juvenile reformatories, asylum facilities and psychiatric clinics, children's homes, social facilities, etc.

– Office of the Public Defender of Rights (Ombudsperson). Address: Üdolnf 39, Brno, www.ochrance.cz. From September 2001 to August 2003 Position: Lawyer, defender's consultant. Description of duties and responsibilities: Drafting ombudsperson's decisions, preparing case memoranda, analysing legislative bills and presenting ombudsperson 's comments and objections during governmental debates on bills, investigation of complaints, visiting and interviewing complainants in prisons, juvenile reformatories, etc., interrogation of civil servants and other governmental agents, supervising ombudsperson's proceedings, dealing with complaints, legal research, representing ombudsperson in different advisory bodies, international organisations.

– City of Kyjov. Address: Masarykovo nam. 30, Kyjov, Czech Republic. From January 2001 to April 2001. Position: assistant to the municipal lawyer.

c. Description of non-legal professional activities

None

IV. Activities and experience in the field of human rights

– Management Board of the European Union Agency for Fundamental Rights (FRA), Wien, Austria. Alternate Member: July 2010 – July 2015

– Governmental Council for Human Rights, Praha, Czech Republic. Alternate Member: December 2002 – September 2010

– Governmental Committee for the Prevention of Torture, Praha, Czech Republic. Member: 2002 – 2005

V. Public activities

a. Public office

None, apart from judicial and administrative positions mentioned above

b. Elected posts

None

c. Posts held in a political party or movement

None

VI. Other activities

Nothing relevant

VII. Publications and other works

– Rychetsky Pavel, Langâsek, Tomas, Herc, Tomas, Mlsna, Petr a kol. Üstava Ceské republiky. Üstavni zakon o bezpeénosti Ceské republiky. Komentaf. [Constitution of the Czech Republic. National Security Constitutional Act. Commentary], Praha: Wolters Kluwer, a. s., 2015. Co-editor of the commentary and author of these parts: Hlava ctvrta. Moc soudni. Cl. 81-95. Cl. 110-111 [Chapter Four, Judiciary, Constitutional Court, Art. 81-95, 110-111].

– Wagnerova Eliska, Dostal Martin, Langâsek Tomas, Pospisil Ivo: *Zakon* o *Üstavnim soudu s komentafem [Constitutional Court Act with Commentary],* Praha, ASPI a. s., 2007: co-editor of the commentary and author of these parts: Rizenf o ustavnich stfinostech (Constitutional Complaints Procedure, incl. Communal Complaints and Political / Parties' Petitions), Rfzenf ve vecech referenda o pfistoupeni Ceské republiky k Evropské unii (Proceedings on the Matter of the Referendum on the Czech Republic's Accession to the EU), Karné provineni a karné fizeni (Disciplinary Infractions and Disciplinary Proceedings).

– Wagnerova Eliska, Simicek Vojtech, Langasek Tomas, Pospisil Ivo a kol. Listina zak/adnich prav a svobod. Komentaf. [Charter of Fundamental Rights and Freedoms. *Commentary],* Praha: Wolters Kluwer CR, a. s., 2012: co-editor of the commentary and author of these parts: Art. 7 – Invio/ability of Persan and Prohibition of Torture, Art. 8 – Persona/ Freedom, Art. 9 – Prohibition of Forced Labour and Services).

– Langasek Tomas: Üstavni soud Ceskos/ovenské repub/iky ajeho osudy v /etech 1920-1948 [Constitutiona/ Court of the Czechos/ovak Republic and its fortunes in years 1920-1948] published by Ales Cenèk, 2011.

– Langasek Tonias. Kapitola 6. *Üstavni soudnictvi [Constitutional Adjudication].* In SCHELLE Karel, BENA Jozef, TAUCHEN Jaromir a kol. Üstava a ustavni systém mezivalecného Ceskoslovenska *[Constitution and Constitutional System of Czechoslovakia Between the Two Wor/d Wars].* Brno: Key Publishing s.r.o., 2020, s. 188-207.

– Langasek Tomas. *Üstavni soud CSR a zmocnovaci zakony [Constitutional Court and the De/egation of the Legis/ative Power].* In Tauchen Jaromir, Schelle Karel (eds.). Odraz nèmeckého narodnfho socialismu ve tricatych letech v Ceskoslovensku a statech strednf Evropy. Sbornfk z kolokvia poradaného Katedrou dèjin statu a prava Pravnické fakulty Masarykovy univerzity, The European Society for History of Law a Moravskym zemskym archivem v Brnè. Brno: The European Society for History of Law, 2013, s. 151- 163.

– Langasek Tomas. *Ochrana pfed mucenim a spatnym zachazenim [Protection from Torture and 111-Treatment].* In Kokes Marian, Pospisil Ivo (eds.). In dubio pro libertate. Üvahy nad ustavnfmi hodnotami a pravem. Pocta Elisce Wagnerové u prflezitosti zivotnfho jubilea. 2009. Brno: Masarykova univerzita, 2009, str. 121- 133.

– Langasek Tomas. Ochrana legitimniho oéekavani v judikatufe Üstavniho soudu [Protection of Legitimate Expectation in Case-Law of the Constitutional Court]. In: Sbornik z konference Dny prava 2008; Langasek Tomas. Ochrana legitimniho ocekavanf v judikature Üstavnfho soudu [Protection of Legitimate Expectation in Case-Law of the Constitutional Court]. In: Sbornfk z konference Dny prava 2008.

VIII. Languages

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

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

I do confirm my intention to follow intensive language classes of French prior to the term of duty if elected a judge on the Court. Actually, 1 have already started at the Alliance française in Brno (DELF B2 tout public exam taken on 16 September 2020, results not known yet) and will continue.

X. Other relevant information

Married since 2005, five children (born in 2008, 2010, 2012, 2015 and 2018).

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

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

Appendix 2 – Kateřina ŠIMÁČKOVÁ

CURRICULUM VITAE[11]

I. Personal information

Name, surname: Šimáčková, Kateřina

Sex: female

Date and place of birth: 23 October 1966, Brno, Czech Republic

Nationality: Czech

II. Education and other qualifications

– 1988 – Masaryk University in Brno, Faculty of Law, Master of Laws graduated *summa cum laude*

– 2007 – Masaryk University in Brno, Faculty of Law, PhD in Law dissertation: Taxation and the Rule of Law

III. Relevant professional experience

a. Description of experience in the judicial profession

– **Since 2013 – Judge at the Constitutional Court of the Czech Republic**

– **Since 2016 – Ad hoc Judge at the European Court of Human Rights**

– 2009–2013 – Judge at the Supreme Administrative Court of the Czech Republic

– 1992 – Law clerk at the Constitutional Court of the Federal Republic of Czechoslovakia, member of the team of Judge Antonín Procházka

b. Description of non-judicial experience in legal professions

– **Since 2010 – Substitute member of the European Commission for Democracy Through Law (Venice Commission)**

– **Since 2010 – Member of examination committee for the purpose of judicial qualification exams in the area of constitutional law, organisation of justice and organisation of public prosecution**

– **Since 2001 – Assistant professor at the Department of Constitutional Law and Political Science at the Masaryk University in Brno, Faculty of Law**

– **Since 2020 – Certificated trainer of the Council of Europe Programme on Human Rights Education for Legal Professionals (HELP)**

– 2007–2009 – Member of the Government Legislative Council of the Czech Republic

– 1994–2009 – Practising lawyer and litigator

– 1990–1993 – Lecturer at the Department of Constitutional Law and Political Science at the Masaryk University in Brno, Faculty of Law

c. Description of non-legal professional experience

– **Since 2016 – Member of the Scientific Board of the Charles University Faculty of Law**

– 2009–2013 – Member of the Committee on the selection of judges of the Civil Service Tribunal of the Court of Justice of the European Union

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

IV. Activities and experience in the area of human rights

In my capacity as a **law clerk** to Mr Antonín Procházka, **judge** of the Constitutional Court of the Federal Republic of Czechoslovakia, I participated after 1989 in the development of this institution which played a crucial role in establishing the rule of law and the protection of human rights.

In my career as a practicing lawyer and litigator (1993–2009) I specialized in human rights issues, I represented clients before the Czech courts in all areas of law, several times before the Constitutional Court of the Czech Republic and also before the European Court of Human Rights.

The **Supreme Administrative Court** where I worked as a judge protects in its case law, among other things, subjective public rights of individuals against the State.

In my work as a **judge at the Czech Constitutional Court**, my most important role is to examine constitutional complaints filed by individuals who claim an infringement of their fundamental rights and freedoms guaranteed by the Charter of Fundamental Rights and Freedoms and by the European Convention for the Protection of Human Rights. I have the reputation of a judge who very often applies the case law of the European Court of Human Rights.

My **teaching activity** at the Faculty of Law of Masaryk University in Brno is also oriented towards the field of human rights protection. Among the courses I teach, I put special emphasis on courses and legal clinics devoted to human rights, notably to constitutional law, legal protection of human rights, as well as a moot court in the field of human rights. I also teach courses in these areas at the Judicial Academy, an independent institution whose mission is to organise continuing education of judges.

My **activities abroad** – notably my work in the European Commission for Democracy through Law (Venice Commission) – are motivated mostly by my effort to protect human rights. I have given lectures on human rights in Belarus (as part of my activities at the Venice Commission), in Libya (as part of the activities of the Czech non-governmental non-profit organization People in Need), in China on the issue of violence against women (under the auspices of the Embassy of the Czech Republic) or on the occasion of the ISPCAN international congress in 2018 on children's rights.

My focus on human rights protection is also apparent from the articles, studies and books that I have published so far.

V. Public activities

a. Posts in the public service

1988–1989 – lawyer in the Regional hygienical station, Brno, Czech Republic

b. Elected positions

/

c. Positions held for a political party or a political movement

I have never been a member of any political party or political movement and I have never held any directly elected office.

VI. Other activities

– Since 2010 – President of the local section of the Society for Canonical Law
– Since 2008 – Member of the Czech Society for European and Comparative Law
– Since 2013 – President of Alliance française, Brno

VII. Selected works and publications

a. Co-editor and co-author of the book

– Mužské právo. Jsou právní pravidla neutrální? [‘Masculine Law’: Are Legal Rules neutral?] Wolters Kluwer, 2020, 1076 p., with Havelková, B., Špondrová, P.

b. Co-author of books

– «La convergence concernant le statut des juges: Chemin vers l’indépendance.» In: Évolution des rapports entre les ordres juridiques de l’Union européenne, international et nationaux. Liber amicorum Jiří Malenovský. Larcier, 2020, with MARKOVÁ, I., p. 501-522.

– ‘Nikdo není svobodný, pokud nejsou svobodní všichni.’» [No one is free unless everyone is free.] In Přibáň, J., *Lidská práva: (ne) smysl české politiky?* [Human Rights: a (Non)Sense of Czech Politics?] Slon, 2015, p. 187-198.

– ‘Tři osobní zamyšlení nad výročím Úmluvy.’» [Three Personal Reflections on the Anniversary of the Convention.] In Bobek, M., Kmec, J., Kosař, D., Kratochvíl, J., *Dvacet let Evropské úmluvy v České republice a na Slovensku*. [*Twentieth Anniversary of the European Convention in the Czech Republic and in Slovakia*.] C. H. Beck, 2013. p. 159-170.

– ‘Commentary on Articles 11, 32, 34.’ In: Listina základních práv a svobod. Komentář. [Commentary on the Charter of Fundamental Rights and Liberties of the Czech Republic.] Wolters Kluwer, 2012, pp. 300-329, 659-676, 690-706.

c. Author of articles:

– ‘The Rights of the Elderly in the Case-Law of the Constitutional Court of the Czech Republic from the Perspective of Old-Age Pensions.’ In: *Czech Yearbook of Public & Private International Law*, 2019, p. 248-265.

– ‘K pojmu zranitelnost v českém právním prostředí, zejména v judikatuře Ústavního soudu.’ [Some Observations on the Notion of Vulnerability in the Czech Legal Environment.] In: *Jurisprudence* No. 5/2019, Wolters Kluwer, 2019, p. 18-25.

– ‘Praktická úvaha nad tématem vztahu morálky a práva a potřebou profesní etiky.’ [A Practical Reflection about the Relationship between Ethics and Law and about the Importance of Professional Ethics.] In: Sobek, T., *Právní etika*. [*Legal Ethics*.] Leges, 2019, p. 7-10.

– ‘Doktrína zesílených důvodů u dlouhodobé vazby v judikatuře Ústavního soudu a Evropského soudu pro lidská práva.’ [Doctrine of Reinforced Grounds for Long-Term Detention in the Case Law of the Constitutional Court and the European Court of Human Rights.] In: Yearbook of the Union of Prosecutors of the Czech Republic. Union, 2016. p. 48 – 55.

– ‘Volební právo osob s duševním nebo mentálním postižením.’ [The Right to Vote of Persons with Intellectual or Mental Disabilities.] In: Šimíček, V., *Volby – svátek demokracie, nebo pletich?* [Elections: A Celebration of Democracy or an Intrigue?] Masaryk University, 2012, p. 66-80.

VIII. Languages

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

IX. In the event that your level of linguistic competence required to exercise the function of a judge in an official language is not sufficient, please confirm your intention, if you are elected a judge at the Court, to take intensive language courses in the language concerned before taking up your duties and, if necessary, at the start of your mandate

Yes, I am absolutely ready to continue my language training.

X. Other relevant information

/

XI. Please confirm that you will settle permanently in Strasbourg in the event that you are elected a judge at the Court

Of course, I am fully available to do so.

Appendix 3 – Pavel SIMON

CURRICULUM VITAE

I. Personal information

Name, surname: Simon, Pavel

Sex: male

Date and place of birth: 16 July 1975 in Plzeň, Czechoslovakia

Nationality: Czech

II. Education and academic and other qualifications

– 1997 – Diploma in Law and Politics, University of Wales, Cardiff, the United Kingdom
– 1998 – Master's degree at Law Faculty of West Bohemian University in Plzeň, Czech Republic
– 2008 – Doctorate thesis on Selected Issues of Brussels I Regulation (JUDr.), Law Faculty of West Bohemian University in Plzeň, Czech Republic

III. Relevant professional activities

a. Description of judicial activities

– 2001–2002 – President of Chamber, Regional Court in Plzeň, Commercial Law Department
– 2003–June 2010 – President of Chamber, District Court in Cheb, Civil Law Department
– 2008 – Judge, Regional Court in Plzeň, Appellate Division, Civil Law Department
– Since 2010 – Judge, Supreme Court, Civil Law Department, specialised in area of State liability and European private international law
– Since 2013 – President of Chamber, Supreme Court
– Since 2019 – Member of the Grand Chamber, Civil and Commercial Law Department, Supreme Court
– Since 2013 – Judge, Tribunal of Conflict (president of the Tribunal in 2013/2014, 2016/2017, since 2019)
– Since 2011 – repeatedly appointed by the Czech Government to be ad hoc judge candidate to the European Court of Human Rights

b. Description of non-judicial legal activities

– 2008–2009 – Member of the Advisory Board to the Ministry of Justice in course of preparations to the Czech Presidency of the EU
– 2009 – Chairman of EU Council working group on Brussels I Regulation Report
– Since 2005 – Member of the European Judicial Network for Co-operation in Civil and Commercial Matters
– Since 2005 – Lecturer of the Czech Judicial Academy for the area of European private international law
– Since 2008 – Lecturer of the Slovak Judicial Academy for the area of European private international law
– Since 2012 – Lecturer at the Academy of the EU Law in Trier, Germany
– Since 2013 – Member of Editorial Board for Selected Judgements of the ECHR Collection published by the Supreme Court

IV. Activities and experience in the field of human rights

Application of the Convention and ECHR case-law on daily basis in State liability disputes

V. Public activities

a. Public office

/

b. Elected posts

/

c. Posts held in a political party or movement

/

VI. Other activities

a. Field

/

b. Duration

/

c. Functions

/

VII. Publications and other works

– Author of a leading Czech commentary on selected Regulations in the area of European Private International Law (Simon, P.: Evropské mezinárodní právo procesní in Drápal, L., Bureš. J. a kol.: Občanský soudní řád. Komentář, C. H. Beck, 2009).

– Co-author of a Commentary on State Liability Act (Ištvánek, F., Simon, P., Korbel, F. *Zákon o odpovědnosti za škodu způsobenou při výkonu veřejné moci rozhodnutím nebo nesprávným úředním postupem. Komentář.* Praha: Wolters Kluwer ČR, a. s., 2017, 376 p.)

– Author of a comprehensive guide to the State Liability in the Czech Republic (Simon, P. Odpovědnost za škodu při výkonu veřejné moci. 1. vydání. Praha: C. H. Beck, 2019, 414 p.)

VIII. Languages

Language	Reading			Writing			Speaking		
	very good	good	fair	very good	good	fair	very good	good	fair
First language:									
Czech	X			X			X		
Official languages:									
English	X			X			X		
French	X				X			X	

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

X. Other relevant information

XI. Please confirm that you will settle permanently in Strasbourg in the event that you are elected a judge at the Court

I will