

**Hearing**

**20 November 2018**

**CV Summaries**

**Jean-Claude SCHOLSEM**, Substitute Member of the Venice Commission, Council of Europe

**Professeur à la Faculté de Droit de l'Université de Liège**

**Études:**

- Docteur en droit (1966).
- Diplômé d'études supérieures en sciences juridiques (1969).
- Agrégé de l'enseignement supérieur (1975).

**Carrière:**

- Assistant à l'Université de Liège (1966-1967).
- Aspirant, puis chargé de recherches, puis chercheur qualifié auprès du Fonds National de la Recherche Scientifique (1967-1979).
- Joseph Story Distinguished Scholar (Harvard University - 1978-1979).
- Chargé de cours à l'Université de Liège (1979-1981).
- Professeur à l'École Supérieure de Sciences fiscales de Bruxelles (1979-1981).
- Doyen de la Faculté de Droit de l'Université de Liège (1992-1996).
- Membre du Collège de recrutement des magistrats (1996-2000).
- Vice-président de la Commission européenne pour la démocratie par le droit (1997-1998).

**Fonctions actuelles:**

- Professeur à l'Université de Liège en droit constitutionnel, droit constitutionnel comparé et droit des finances publiques (depuis 1981).
- Membre du Conseil supérieur de la Justice (depuis 2000).
- Membre de la Commission européenne pour la démocratie par le droit (depuis 1990).
- Correspondant de la Classe des Lettres et des Sciences morales et politiques de l'Académie royale de Belgique (depuis 1999).
- Expert auprès de la Commission pour le renouveau politique instituée par le Parlement belge (depuis 2000).
- Consultant en matière de droit constitutionnel pour divers pouvoirs publics et institutions.

**Publications:**

Nombreux ouvrages et articles en matière de droit fiscal, de droit des finances publiques, de droit constitutionnel et de droits de l'homme.

## **Kees STERK**, President, European Network of Councils for the Judiciary

**Name**  
(Kees) Sterk

Cornelis Henricus Wilhemus Maria



### **Work experience**

2018 – ongoing  
Councils for the Judiciary

President of the European Network of

2013 – ongoing  
the Judiciary

Vice chairman Netherlands Council for

1 January 2009 – 2013

Judge Supreme Court of the  
Netherlands

2008

Acting president criminal law sector Court of Appeal ‘s-  
Hertogenbosch, also board member Court of Appeal

2006 – 2007

Vice-president Court of Appeal ‘s- Hertogenbosch

2000-2006

Judge Court of Appeal ‘s- Hertogenbosch

- 2000-2001: criminal law sector
- 2001-2003: civil law sector
- 2003-2004: detachment at “Vliegende Brigade” in The Hague
- 2005-2006: criminal law sector, also team leader of four criminal law chambers

1994-2000

Judge District court of Breda

- 1994-1997: civil law sector
- 1997-1998: criminal law sector
- 1998-2000: investigative judge in criminal law, last two years as a team leader

1994

PhD Civil Law Catholic University of Brabant

1987-1994

Universitair docent Privaatrecht en Handelsrecht aan de  
Katholieke Universiteit Brabant

### **Education**

1981-1987

L.L.M. Dutch Law Catholic University of Brabant

1982-1983

Medicine Catholic University of Nijmegen

**Adam BODNAR**, Polish Ombudsman, Office of the Commissioner for Human Rights

Dr. Adam Bodnar graduated from the faculty of Law and Administration at the University of Warsaw and also from LL.M. programme in the field of comparative constitutional law at Central European University in Budapest. In 2006 he was awarded PhD degree at University of Warsaw in the field of constitutional law. His PhD thesis entitled: “Multi-level society in the European constitutional sphere“ was awarded with honourable mention in the competition organized by Przegład Sejmowy (Parliamentary Review).

In 2004-15 he was associated with the Helsinki Foundation for Human Rights, first as a co-founder and coordinator of the Precedent Matters Program, and then as head of the legal department and vice-president of the board. Expert of the European Union Agency for Fundamental Rights. In the years 2013-2014 a member of the board of directors of the UN Fund for the Victims of Torture.

Until the time of assuming the post of Ombudsman, Dr. Bodnar cooperated with various non-governmental organizations, including Panaptykon Fund (chairman of the Foundation Council), ClientEarth Polska (member of the Programme Council), Prof. Zbigniew Hołda Association (co-founder and the member of the Management Board).

He was also a member of the Civic Legislation Forum operating at Batory Foundation and of the editorial team of kulturaliberalna.pl. In 2011 he was awarded with the Tolerance Prize by the Polish LGBT organizations. In 2013 he received a scholarship within the scope of German Marshall Memorial Fellowship programme. With an approval of 67 non-governmental organizations in 2015 he was notified for the post of Ombudsman by Democratic Left Alliance Parliamentary Club and by independent members of the parliament, and also by Civic Platform Parliamentary Club. The Sejm appointed him at this post on 24 of July 2015 and on 7 August 2015 the Senate of the Republic of Poland approved this choice. Then, on 9 September 2015 the Sejm took his oath.

**Laurent Pech**, Professor of European Law and Head of the Law and Politics Department at Middlesex University London

Professor Pech is also a Visiting Professor of Law at Bordeaux University. Professor Pech specialises in EU Public Law and has lectured in a variety of subjects including EU Constitutional Law, EU Internal Market Law and EU Fundamental Rights Law.

Professor Pech is currently a member of the editorial board of the *Hague Journal on the Rule of Law* and a member of the H2020-funded RECONNECT project: [www.reconnect-europe.eu](http://www.reconnect-europe.eu). His most recent academic publications focusing on the rule of law include: ‘Why autocrats love constitutional identity and constitutional pluralism – Lessons from Hungary and Poland’, RECONNECT Working Paper No. 2. September 2018 (co-authored with Professor Kelemen); “Illiberalism Within: Rule of Law Backsliding in the EU” (2017) 19 *Cambridge Yearbook of European Legal Studies* 3 (co-authored with Professor Scheppele). Professor Pech was also the lead author of a research report commissioned by the European Parliament on the establishment of an EU mechanism on Democracy, the Rule of Law and Fundamental Rights (PE 579.328, April 2016). He also regularly publishes on legal blogs such as the Verfassungsblog: <https://verfassungsblog.de/author/laurent-pech/>.

**Tymoteusz Zych, Ph.D.**, Doctor of laws, adjunct professor (*adiunkt*) at the Faculty of Law and Administration, Cardinal Stefan Wyszyński University in Warsaw. Member of the Board and Director of Legal Analysis Center at Ordo Iuris Institute for Legal Culture, a human rights think tank based in Warsaw. Vice-president of the Confederation of Non-Governmental Initiatives of Poland, and independent organization representing the civil society.

He received his PhD from the Faculty of Law and Administration, University of Warsaw. Graduate of the Faculty of Law and Administration, University of Warsaw and of Inter-University Individual Studies in Humanities of Artes Liberales Academy, the latter pursued at both the University of Warsaw and the Jagiellonian University in Cracow. His book on legal certainty was awarded in "Monographies" competition of the Foundation for Polish Science.



Tymoteusz Zych authored numerous expert reports, legal opinions and academic papers in the field of human rights protection, family law, constitutional law and public international law. His opinions and expert reports have been used in legislative process as well as accepted by both Polish and foreign courts and tribunals as well as international judicial Institutions. He has also drafted legal acts on request of both public authorities and civil society organizations.

Zych has been appointed as an expert in numerous expert bodies consulting public policy. He served as a member of consultative boards in Ministry of Justice under four ministers of different political affiliations. Since 2015 he has been member of the Respect for Family Life and Family Autonomy Council in the Ministry of Justice. Thanks to support from more than 25 NGOs he has been also nominated to the council of the National Freedom Institute, which consults public policy regarding civil society organizations.

He has formally provided expertise in field of human rights and the rule on request of i.a. Monitoring Committee of the Parliamentary Assembly of the Council of Europe, LIBE Commission of the European Parliament, Venice Commission and the United States Department of State.

**Michał Wawrykiewicz**, Professor of European Law and Head of the Law and Politics Department at Middlesex University London



He graduated from the Faculty of Law and Administration at the University of Warsaw. He is an **advocate** entered on the list of the Warsaw Bar Association (Okręgowa Rada Adwokacka). He has been conducting his own professional practice since 1999. He is a specialist in the field of civil law and constitutional law. He is a court lawyer with a big experience. He has conducted hundreds of court and administrative proceedings in his career - also in the Supreme Court, the Supreme Administrative Court and the Constitutional Court, recently several proceedings in the ECJ.

Michał Wawrykiewicz is an expert in the parliamentary committee (in the Polish parliament) dealing with the constitutional order and the rule of law. Michał Wawrykiewicz as an expert prepares legal opinions and documents for Parliament's Analysis Office.

He is involved pro bono in numerous civil organizations dealing with constitutionality, EU law and observance of the Rule of Law. He is one of the founders of the #FreeCourts civil society initiative and Justice Defense Committee (KOS) - independent platform of 12 non-governmental organizations (including #FreeCourts) and judges' associations, acting to protect the independence of judges and providing them support in situations of repression against them. He takes part in the pro bono program for schools („Constitutional Week”).

Michał Wawrykiewicz is strongly involved in legal actions aimed at protecting the judges of common courts, the Supreme Court and the Supreme Administrative Court. He currently represents 8 judges from the Supreme Court and the Supreme Administrative Court in legal proceedings, in front of courts and in the Court of Justice of the EU.

**Małgorzata Szuleka**, head of advocacy at the Helsinki Foundation for Human Rights

## Summary

Lawyer and the head of advocacy at the Helsinki Foundation for Human Rights (Warsaw, Poland), one of the Europe's well-known human rights NGOs. Since 2009, I have been one of the leading HFHR's researchers, often partnering with, among others, the European Agency for Fundamental Rights on major research projects. My research and advocacy focuses on issues of the independence of NGOs, judiciary system and threats to the rule of law as well as the process of democratic backsliding. I'm a member of the Warsaw Bar Association.

## Education

*Warsaw university (2005-2010) Masters of law*

Specialisation: human rights, international law

## Work experience

*Helsinki foundation for human rights, Warsaw, Poland*

### **2010-present, researcher and HEAD OF ADVOCACY**

In almost ten years of work for the Helsinki Foundation for Human Rights, I have coordinated and carry out numerous research projects related to among others: standing and independence of NGOs, data protection and redress mechanisms, child-friendly justice, LGBT persons' rights, children with disabilities as victims of targeted violence and hostility, sever labour exploitation of migrants, victim support system, hate crimes and rights of victims of crimes

Since 2016, I have been also responsible for implementing HFHR's international advocacy strategy. I have carried out numerous advocacy projects related to rule of law, freedom of NGOs and independence of judiciary in Poland.

*Warsaw bar association, warsaw, Poland*

### **2018-present Advocate trainee**

In 2018, I have started three-year Bar training which consists of theoretical and practical classes. The training is completed with a professional exam.

## Publications and presentations

### Publications

1. Szuleka M., *First victims or the last guardians? NGOs' response to the democratic backsliding. The case study of Poland and Hungary*, Centre of European Policy Studies, policy paper (date of publishing: spring 2018)
2. Szuleka M., *The situation of the civil society organisations in Poland*, Helsinki Foundation for Human Rights, September 2017, available at: [http://www.hfhr.pl/wp-content/uploads/2018/01/situation\\_ngos\\_november-2017\\_long-version.pdf](http://www.hfhr.pl/wp-content/uploads/2018/01/situation_ngos_november-2017_long-version.pdf)
3. Szuleka M., *Standing and operational space of non-governmental organisations (NGOs) in contributing to respecting and promoting fundamental rights in EU Member States. Poland*, Fundamental Rights Agency, available at: <https://goo.gl/mMi6PW>

4. Szuleka M., *HFHR's opinion on the National Institute of Civil Society Development*, Helsinki Foundation for Human Rights, available at: [http://www.hfhr.pl/wp-content/uploads/2017/07/HFPC\\_opinia\\_instytut-wolnosc\\_17072017.pdf](http://www.hfhr.pl/wp-content/uploads/2017/07/HFPC_opinia_instytut-wolnosc_17072017.pdf)
  5. Szuleka M., Smiszek K., ONZ wydaje 185 rekomendacji dla Polski. Rząd odrzuca tylko 10, *Dziennik Gazeta Prawna*, September 2017, available at: <http://prawo.gazetaprawna.pl/artykuly/1073557,onz-rekomendacje-dla-polski.html>
  6. Bodnar A., Szuleka M., *The concept of abuse of right in the European Convention on Human Rights (Koncepcja "nadużycia prawa" w Konwencji o ochronie praw człowieka i podstawowych wolności a mowa nienawiści)* [in:] Hate speech and freedom of speech. The legal and social aspects (*Mowa nienawiści a wolność słowa. Aspekty prawne i społeczne*) Wieruszewski R., Wyrzykowski M., Bodnar A., Gliszczyńska-Grabias A. (ed.), Wolters Kluwer, 2010
  7. Szuleka M., Wolny M., Szwed M., *Constitutional crisis in Poland 2015-2016*, Helsinki Foundation for Human Rights, 2016, report is available at: <http://www.hfhr.pl/en/report-constitutional-crisis-in-poland-2015-2016/>
  8. Grabowska-Moroz B., Szuleka M., *Rule of law framework – effective cure or placebo?*, Helsinki Foundation for Human Rights, April 2016, policy paper is available at: [http://www.hfhr.pl/wp-content/uploads/2016/05/HFPC\\_unijna\\_procedura\\_kontroli\\_praworzadnosci.pdf](http://www.hfhr.pl/wp-content/uploads/2016/05/HFPC_unijna_procedura_kontroli_praworzadnosci.pdf)
  9. Szuleka M., *Remarks on the Polish Legal Community's Reaction to the Constitutional Crisis*, Legal Dialogue, 2016, available at: <http://legal-dialogue.org/crisis-in-poland>
  10. Smętek J., Szuleka M., *Reactions to the Paris attacks in the EU: fundamental rights considerations*, European Union Agency for Fundamental Rights, January 2015
  11. Smętek J., Szuleka M., *Indicators on political participation of persons with disabilities*, Fundamental Rights Agency, available at: <http://fra.europa.eu/en/country-data/2014/background-reports-right-political-participation-persons-disabilities>
  12. Bodnar A., Patzer H., Smetek J., Szuleka M., *Social fieldwork research. Child participation in justice. National report*, European Union Agency for Fundamental Rights, 2012, report is available at: <http://fra.europa.eu/en/country-data/2015/country-reports-comparative-report-children-and-justice>
  13. Smetek J., Szuleka M., Plinska W., Kocikowski M., *Victim Support Services in the EU: An overview and assessment of victims' rights in practice* European Union Agency for Fundamental Rights, 2014 available at: <http://fra.europa.eu/en/country-data/2016/country-studies-project-victim-support-services-eu-overview-and-assessment-victims>
  14. Smętek J., Szuleka M., *Submission to the 84th Session of the Committee on the Elimination of Racial Discrimination*, Helsinki Foundation for Human Rights, 2014, available at: [http://www.hfhr.pl/wp-content/uploads/2016/03/INT\\_CERD\\_NGO\\_POL\\_16285\\_E.pdf](http://www.hfhr.pl/wp-content/uploads/2016/03/INT_CERD_NGO_POL_16285_E.pdf)
  15. Szuleka M., *Still the same problems with racial discrimination in Poland*, Human Rights House Foundation, February 2014, available at: <http://humanrightshouse.org/Articles/20063.html>
  16. Szuleka M., *Human Rights Committee's Recommendation for Poland* (Rekomendacje Komitetu Praw Człowieka dla Polski), Human Rights Quarterly, Helsinki Foundation for Human Rights, 2016
  17. Szuleka M., *The EU's rule of law framework (Unijna procedura kontroli praworządności)*, Human Rights Quarterly, Helsinki Foundation for Human Rights, 2016
  18. Szuleka M., *Boycott as a human rights protection tool (Bojkot konsumencki jako narzędzie ochrony praw człowieka)*, Business and human rights (Biznes a prawa człowieka), Helsinki Foundation for Human Rights, available at: [http://www.hfhr.pl/wp-content/uploads/2017/03/Biznes\\_a\\_prawa\\_cz%C5%82owieka-FINAL-2017-03-20.pdf](http://www.hfhr.pl/wp-content/uploads/2017/03/Biznes_a_prawa_cz%C5%82owieka-FINAL-2017-03-20.pdf)
  19. Bychawska-Siniarska D., Szuleka M., *New tool for the EU as the guardian of democracy (Nowe narzędzie dla UE jako strażnika demokracji)*, *Dziennik Gazeta Prawna*, 2016, the article is available at: <http://prawo.gazetaprawna.pl/artykuly/987971,nowe-narzedzie-dla-ue-jako-straznika-demokracji.html>
- Presentations**
1. Human Rights House Foundation c/o European Parliament, Resisting Ill Democracy in Europe, January 2018,
  2. German Marshall Fund of the United States, Poland's Future: A Conversation on Challenges to the Rule of Law, Washington DC, February 2018,
  3. Venice Commission c/o Office of the Democratic Institutions and Human Rights, Roundtable on foreign funding of associations, October 2017

4. Helsinki Foundation for Human Rights, Shrinking civil society space in Poland, Human Dimension Implementation Meeting, September 2017,
  5. UN Human Rights Council, Concluding observations on the UPR on Poland. NGOs' interventions, September 2017,
  6. Parliamentary Assembly of the Council of Europe (side event), Rule of law under threat in Poland, June 2016,
  7. CONCORD's Annual Conference, Shrinking space for NGOs in Europe's illiberal state, Budapest, November 2016,
  8. "The EU's policy towards combating domestic violence", Helsinki Foundation for Human Rights' seminar, December 2014,
  9. "Child friendly justice – good practices and main problems related to child-friendly justice in the UK, Romania, Poland and Lithuania", Conference "Child victim of a crime", Warsaw, October, 2014,
  10. "EU's anti-discrimination policy" – Eastern Europe Initiative Congress, Lublin, October, 2014,
  11. "Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice" – Helsinki Foundation for Human Rights' seminar, Warsaw, June 2014,
  12. "Victim support system for victims of hate crimes", Victim Support Conference, Warsaw, May 2014,
- "Child-friendly justice. Conclusions from the national report". The conference "Right of a child – human rights" organized by the Polish Bar Association, Gdańsk, April 2013.