

RESUME

Olivier E. DE SCHUTTER

29, rue du Sceptre

1050 Bruxelles

Belgium

tel. 32-2-640.42.95

or 32-10-47.46.42

fax 32-10-47.24.03

deschutter@cpdr.ucl.ac.be

www.cpdr.ucl.ac.be/cridho

Professor at the University of Louvain (Belgium)

Member of the Global Law School Faculty, New York University

Coordinator, EU Network of independent experts on fundamental rights

Ph. D. in Law (Université catholique de Louvain)

Diploma *cum laude* from the International Institute of Human Rights (Strasbourg)

LL.M., Harvard University

Professional experience :

2004- : Member of the Global Law School Faculty, New York University. Courses on International Human Rights and Transnational Corporations and Human Rights

2002 - : Founder and Co-ordinator of the EU Network of Independent Experts on Fundamental Rights (instituted by the European Commission (DG Justice and Home Affairs) acting upon request of the European Parliament).

See http://www.europa.eu.int/comm/justice_home/cfr_cdf/index_en.htm

2001 - : Director of the International Centre for the teaching of human rights in Universities (Centre international pour l'enseignement des droits de l'homme dans les Universités - CiedhU)), at the International Institute of Human Rights (Strasbourg)

1999 - : Professor at the Law Faculty of the Université catholique de Louvain (UCL), courses in European Union Law, International and European Protection of Human Rights, and Legal Theory ; Visiting Professor at the Facultés universitaires Saint-Louis (Belgium) (since 1999-2000); Visiting Professor at the University of Limoges (France) (since 1999-2000).

1997-1999 : Member of the Centre de Philosophie du droit (CPDR), Faculty of Law, UCL. In that capacity I have coordinated the seminar "Governance in the European Union" organised with the Forward Studies Unit (Cellule de prospective) of the European Commission, and which led to the publication of O. De Schutter, N. Lebessis, and J. Paterson (eds.), *Governance in the European Union*, OPOEC, Luxemburg, 2001 , 318 pages (two languages : French and English) as well as to the adoption of the *White Paper on European Governance* (COM(2001)428 final, 25.7.2001)

1991-1997 (with two interruptions): Fellow of the National Fund for Scientific Research (Fonds national de la recherche scientifique (F.N.R.S.)), attached to the Law Faculty of the UCL

1995-1996 : Lecturer in Law, University of Leicester (United Kingdom). Courses on the Institutional and Substantive Law of the European Union (LL.B. 2) and on the European Convention on Human Rights (LL.M. in Human Rights and Civil Liberties)

1992-1993 : Legal advisor to the League of Human Rights (Belgium). In that capacity I set up the Permanent Delegation of the International Federation of Human Rights (Fédération internationale des droits de l'Homme – FIDH) to the EU. I also conducted a number of cases before national courts (and on one occasion before the European Court of Justice) in collaboration with the solicitors representing the League of Human Rights or the FIDH.

Visiting professorships, occasional courses

Summer 2005 : Lectures at the Summer School on Discrimination based on Race and Religion (Maastricht University), and at the Summer School on Disability Discrimination (National University of Ireland at Galway), on the topics of positive action and of the prohibition of discrimination under the instruments of the Council of Europe

2004-2005 : Visiting Professor at the University of Paris I-Panthéon-Sorbonne

2004-2005 : Visiting Professor, Abo Akademi University and Institute for Human Rights, Turku, Finland

Since 2003-2004 : Visiting Professor, Masters in Human Rights, Univ. of Coimbra (Portugal)

June 2002 : Human Rights Session, Academy of European Law (European University Institute, Florence (Italy)), June 2002 : course on “The Accountability of Multinational Enterprises for Human Rights Violations in the European System”

July 2001, 2002, 2003 and 2005: Fundamental Courses taught at the Summer Session of the International Institute of Human Rights (Strasbourg), on the protection of fundamental rights in the EU legal order (July 2001 and July 2002), on the right to life (July 2003), on the rights of women and private life (July 2005)

January 2000, 2001, 2002 and 2003: Visiting Professor at the UNESCO Chair, National University of Benin (Cotonou), in the framework of the DEA (diplôme d'études approfondies) in democracy and human rights (courses on the international law of human rights, the right to development, and labour rights in the context of globalisation).

Since 1998-1999 : Visiting Professor at the University of Limoges

Summer 1991 : Visiting Professor at the University of Puerto Rico, course on the Law of International Organizations: The European Communities.

Editorial Boards

- Co-Founder and General Secretary of the *Journal des tribunaux - Droit européen* , created in 1993 and which has become a reference legal journal in European Law, in the French-speaking world. This journal is published on a monthly basis and covers legal developments in the European Union and in the Council of Europe.
- Member of the Scientific Committee of the *Revue belge de droit international*
- Member of the Editorial Board of the *Revue de droit des étrangers*(asylum and immigration law)
- Member of the Editorial Board of *Droit en Quart Monde* (poverty law)

Other experiences

2004- : General Secretary of the International Federation for Human Rights (Fédération internationale des droits de l'homme), in charge of the ‘Globalization and Human Rights’ program of the FIDH

(WTO law and human rights; non-State actors and human rights; economic, social and cultural rights in the context of economic globalization): www.fidh.org

2000-2003 : General Secretary of the League of Human Rights (Belgium) (member of the Board of Directors since 1992).

Higher Education

Doctoral thesis presented on 27 March 1998 under the title “Fonction de juger et droits fondamentaux. Transformations du contrôle juridictionnel dans les ordres juridiques américain et européens” (*summa cum laude*, with congratulations). The thesis (published in 1999 at Bruylant, Brussels) offers a comparative analysis (United States federal courts, European Court of Human Rights, European Court of the Justice) of the impact on the judicial function and separation of powers of the rise of fundamental rights.

1990-1991: Master in Laws (LL.M.), Harvard University

1987-1990: J.D., *summa cum laude*, highest honors and ranked first (Licence en Droit, Université catholique de Louvain and Université de Paris-II (Assas)).

1987-1988 : First year of the Licence en Relations internationales, Université catholique de Louvain : *magna cum laude*.

1985-1987: B.A. in Law, *summa cum laude*, highest honors and ranked first (Candidature en Droit, Université catholique de Louvain: la plus grande distinction).

Other academic distinctions

Diploma of the International Institute of Human Rights, awarded *cum laude* (highest award) at the 23d session, July 1992.

Hoover Fellow of the Belgian American Educational Foundation (B.A.E.F.) (Harvard University, 1990-1991)

Member of the International Institute of Human Rights

Primary and High School Education

1983-1985: Sint-Jorisinstituut, Brussels.

1980-1983: Ecole belge de Kigali, Rwanda.

1978-1980: Lycée français de Jeddah, Saudi Arabia.

1976-1978: Parents' Cooperative School, Jeddah, Saudi Arabia.

1972-1976: British School of Bombay, India.

Languages:

English, French, Dutch.

Official cooperations with national authorities or international institutions

Council of Europe

Expert on the preparation of Guidelines by the Working Party on Expulsion Procedures of the ad hoc Committee of experts on legal aspects of territorial asylum, refugees and stateless persons (CAHAR-

PE) : see Recommendation 1547(2002) on expulsion procedures in conformity with human rights and enforced with respect for safety and dignity (CM/AS(2003)Rec1547final), and for the final result, the, the Guidelines on forced return adopted by the Committee of Ministers of the Council of Europe on 4 May 2005, at the 925th Meeting of the Ministers' Deputies

Expert report on the Draft Law on the Police in Kosovo, Council of Europe, DG II (2005), Strasbourg, March 2005

Expert report on the Bill on Freedom of conscience and religious associations of the Republic of Moldova, Council of Europe, DG II (2003) 8, Strasbourg, 17 April 2003 (with V. Coussirat-Coustère)

Expert of the Council of Europe, in charge of the compatibility exercise on the Republic of Armenia (see *Study on the compatibility of the law of the Republic of Armenia with the requirements of the European Convention on Human Rights*, H(2000)12) (1999-2000). A compatibility exercise requires a systematic examination of the conformity of the laws and administrative practices of a country acceding to the Council of Europe with the standards of that organisation, see doc. H(96)12.

Expert of the Council of Europe, in charge of the compatibility exercise on the Republic of Yugoslavia (now Serbia and Montenegro) (see *Study on the compatibility of the law of the Republic of Yugoslavia with the requirements of the European Convention on Human Rights*, H(2002)11) (2000-2002)

Expert Report on the Charter of Rights and Freedoms of the Republic of Serbia and Montenegro, Strasbourg, Council of Europe, 11 February 2003

Expert Opinion on the draft Law on Movement and Stay of Aliens and Asylum presented to the Parliamentary Assembly of Bosnia and Herzegovina, September 2002, Directorate of Legal Affairs, Council of Europe.

Expert Report on freedom of assembly and freedom of association in Turkey, see *Expert opinions on the draft law on Assembly and Demonstrations of Turkey*, Strasbourg, Council of Europe, 7 May 2002, HRCAD/DGII/Exp. (2002), 28 pp. (with St. Livingstone)

Expert Report on the right to an effective remedy in Bosnia-Herzegovina, in the context of the accession of Bosnia-Herzegovina to the European Convention on Human Rights, Sarajevo, May 2002.

Expert of the Council of Europe, with the United Nations High Commissioner for Refugees à Sarajevo (Bosnia-Herzegovina) 10-11 December 1998 : "Human Rights and the Protection of Asylum Seekers and Refugees : International and European Perspectives".

Expert Report on freedom of assembly in Croatia : see *Comments on the Croatian Law on Public Assembly Bill*, Strasbourg, Council of Europe, 28 September 1998, DDH/EXP(98)3.

I have also taken part in a large number of missions (approximately 30 during the period 1996-2001) in countries having recently acceded to the Council of Europe (esp. Romania, Bulgaria, the Slovak Republic, the Czech Republic, Armenia, Ukraine), where I taught magistrates and lawyers on the European Convention on Human Rights.

European Union

2004- : Member of the EU Network of experts on discrimination (coord. Migration Policy Group), which monitors the implementation in the EU Member States of Council Directive 2000/43/EC of 29

June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation with respect to disability discrimination.

See : http://europa.eu.int/comm/employment_social/fundamental_rights/policy/aneval/mon_en.htm.

2002-2004 : Member of the EU Network of experts on disability discrimination (coord. National University of Ireland at Galway), which examined the implementation in the EU Member States of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation with respect to disability discrimination.

See : http://europa.eu.int/comm/employment_social/fundamental_rights/policy/aneval/mon_en.htm.

2002-2004 : Member of the EU Group of Experts on Sexual Orientation (coord. University of Leiden, the Netherlands), which examined the implementation in the EU Member States of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation with respect to sexual orientation discrimination.

See : http://europa.eu.int/comm/employment_social/fundamental_rights/policy/aneval/mon_en.htm.

2002 - : Founder and Co-ordinator of the EU Network of Independent Experts on Fundamental Rights (instituted by the European Commission (DG Justice and Home Affairs) acting upon request of the European Parliament).

See http://www.europa.eu.int/comm/justice_home/cfr_cdf/index_en.htm

2002-2003 : Expert for the European Commission (Fundamental Rights Unit A5, DG Justice and Home Affairs), on the question of judicial remedies within the European Union. The report “Vers l’Union de droit. L’amélioration de la protection juridictionnelle du particulier dans le cadre de la Conférence intergouvernementale”, presented in January 2003, was used in the course of the debate within the Convention on the future of Europe on judicial protection in the Union. Like the previous one, this report is accessible on the “documents” section of www.cpdr.ucl.ac.be/cridho (“Working papers”)

2001-2002 : Expert for the European Commission (Fundamental Rights Unit A5, DG Justice and Home Affairs), on the question of the improvement of the protection of fundamental rights in the European System. The report “Ancrer les droits fondamentaux dans l’Union européenne”, presented in March 2002, was influential in defining the position of Commissioner A. Vitorino in the Convention on the Future of Europe, esp. on the question of the location of the Charter of Fundamental Rights in the Constitution and on the Accession of the EU to the European Convention on Human Rights. The report is accessible on the “documents” section of www.cpdr.ucl.ac.be/cridho (“Working papers”)

1999-2000: Expert of the Economic and Social Committee (groupe III), on the question of the Charter of Fundamental Rights of the European Union (1999-2000). See the Opinion of the Economic and Social Committee on the Charter of Fundamental Rights (20 September 2000): CES 1005/2000 – SOC/013

National Institutions

2004 : Conclusions to the Report on the implementation in Belgium of the International Covenant on Economic, Social and Cultural Rights (Les pouvoirs exécutifs belges confrontés aux observations du Comité des droits économiques, sociaux et culturels des Nations Unies), SPF Emploi, Travail et Concertation sociale, Direction des relations multilatérales, July 2004 – see www.meta.fgov.be (resulting from the seminar organised on 28 November 2003)

2003 : Expert Opinion on the Parliamentary Bill seeking to give Belgian courts a universal competence on certain serious violations of internationally recognized fundamental social rights (Avis sur la Proposition de loi insérant un article 10quinquies dans le titre préliminaire du Code de procédure pénale, en vue de l'incrimination universelle de certaines violations des droits sociaux fondamentaux, déposée par M. Dirk Van der Maelen et consorts), requested by the President of the Committee on Justice of the Senate, Mr. F. Erdman, 20 February 2003

2002 : Expert of the Justice Parliamentary Committee of the Belgian Senate on the Bill opening marriage to persons of the same sex (October 2002). The Law was adopted in February 2003.

2002 : Expert of the Justice Parliamentary Committee of the Belgian Senate on the Re-opening of judicial procedures in execution of the judgments of the European Court of Human Rights. The text of my contribution is published in the Report by Senator Ms Anne Barzin, "Proposition de loi modifiant le Code d'instruction criminelle, en ce qui concerne la révision de la condamnation en matière criminelle, et le Code judiciaire, en ce qui concerne la requête civile", Ch., sess. ord. 2001-2002, 3 mai 2002, Doc 50 n° 1083/008, pp. 21-43.

2001 : Expert of the Joined Justice Committees of the Senate and the House of Representatives, on the question of the compatibility with the requirements of human rights of the measures adopted in the fight against terrorism. A summary version of my report appeared in E. Bribosia et A. Weyembergh (dir.), *La lutte contre le terrorisme et les droits fondamentaux*, Bruxelles, Bruylant, 2002.

2001 : Report to the Centre for Equal Opportunities and the fight against Racism, concerning the sanctions which could be adopted against the Vlaams Blok (extreme-right party) on the basis of the Belgian legislation. A summary version of the report was published in the *Revue de droit des étrangers*.

2000 : The Economic and Social Rights to be included in the EU Charter of Fundamental Rights, presentation before the Parliamentary Committee on European Affairs of the House of Representatives (comité d'avis chargé des questions européennes, Chambre des représentants, 7 December 1999) (see Doc. 50 – 0439/001 (House) 2-340/1 (Senate)).

2000 : Report commissioned by Ms Onkelinx, Federal Minister of Labour and Employment, on the workprogramme of the European Commission based on Article 13 EC. The Report was presented in May 2000. It developed into a book : *Discriminations et marché du travail. Liberté et égalité dans les rapports d'emploi*, coll. "Travail et Société", Bruxelles, Bern, Berlin, Frankfurt/M., New York, Oxford, Wien, éd. P.I.E. Peter Lang, 2001, 234 pp.

1998 : Report to the Centre for Equal Opportunities and the fight against Racism, concerning the reform of the Belgian legislation relating to hate crimes. The report was published as an annex to the annual report of activities of the Centre (April 1998).

1996 : "L'amélioration de la protection des droits de l'homme dans la perspective de la Conférence intergouvernementale portant sur la révision du Traité sur l'Union européenne", report prepared upon request of the Ministry of Justice in the context of the 1996 Intergovernmental Conference for the reform of the European Treaties (March 1996).

1994-1995 : Preparation of the position of the Belgian government (Ministry of Justice and Ministry of Foreign Affairs) in the proceedings which led to the Opinion 2/94 of the European Court of Justice, on the Accession of the European Community to the European Convention on Human Rights. I authored the observations of the Belgian government, and I wrote the oral statement made at the hearing.

1996-1997 : Cooperation with the Belgian Ministry of Justice on the preparation of the Report to the Human Rights Committee (International Covenant on Civil and Political Rights).

Research Programmes

6th European Community Framework Programme on Research and Development. The project on "Reflexive Governance" is coordinated by the CPDR/UCL. In that framework, I am coordinator of the Fundamental Rights Sub-Network, the aim of which is to develop proposals on the future of the fundamental rights policy of the Union, with a focus on the impact of this policy on the allocation of competences between the Member States and the Union and on the use of new modes of governance to improve the coordination between the Member States. On the research hypothesis and the participants, see www.cpdr.ucl.ac.be/cridho

5th European Community Framework Programme on Research and Development : direction of a seminar on the future of the open method of coordination in employment and social policies, which led to the publication of *Social Rights and Market Forces*, which I have co-edited with prof. S. Deakin (CBR, Cambridge) (see bibliography). On the research hypothesis and the participants, see www.cpdr.ucl.ac.be/cridho

I.A.P. (Inter-University Attraction Pole) 2002-2007 of the Centre de philosophie du droit (CPDR – UCL). I am director of the legal research in the CPDR, and in that capacity I conduct a number of researches, including doctoral theses, which seek to analyze the relationship of fundamental rights to economic freedoms exercised in market relationships. The themes are minority rights, genetic privacy, globalization and human rights, and at a more theoretical level, the influence of economic paradigms on the development of legal thought. In this latter respect, I am particularly interested in the emergence of the Welfare State in the United States, especially during the Locher era (1890-1940), a theme on which I am preparing a book.

F.S.R. 2000-2002, on "Markets and Discrimination". This has been an interdisciplinary research (Law, Economics, Social Psychology) which was partly built around the book then in preparation : *Discriminations et marché du travail. Liberté et égalité dans les rapports d'emploi* (P.I.E. Peter Lang, 2001). Two doctoral theses are currently being completed in this context.

I.A.P. (Inter-University Attraction Pole) 1997-2002 of the Centre de philosophie du droit (CPDR). In this research programme, I have conducted a seminar of lawyers and criminologists on the reform of the penitentiary and the fundamental rights of detainees. A volume resulted from the research, which adopts a comparative approach to the task of reforming the prison system (United States, Canada, United Kingdom, France, Belgium, the Netherlands) and the theoretical questions raised by the "humanization" of that system and the implementation of prisoners' rights (O. De Schutter and D.Kaminski (dir.), *L'institution du droit pénitentiaire*, L.G.D.J., Paris, 2002). My own contribution was on the role of the United States federal judiciary in the reform of the penitentiary.

International research programme of Paris X-Nanterre, on an institutional analysis of the labor markets in Europe, financed by the French Centre national de la recherche scientifique (2000-2002): "Les politiques du marché du travail en Europe: les cadrages juridiques et économiques du jugement des compétences et leur rapport au chômage" (law and economics approach to discrimination on the labor market).

Research programme of the International Institute of Human Rights in Strasbourg (France), on the influence of the European Court of Human Rights (see J.-Fr. Flauss (dir.), *Le rayonnement de la Cour européenne des droits de l'homme*, Bruylant, Bruxelles, 2004 (forthcoming)).

Joint Seminar of the CPDR and the Forward Studies Unit of the European Commission, "Governance in the European Union" (1996-1999), led to the publication of O. De Schutter, N. Lebessis, and J. Paterson (eds.), *Governance in the European Union*, OOOPEC, Luxemburg, 2001, 318 pages (two languages : French and English) as well as to the adoption of the *White Paper on European Governance* (COM(2001)428 final, 25.7.2001).