

Annex III

Biographical data form of candidates to human rights treaty bodies
(Please respect the specified amount of lines when completing this form and return it electronically in word format)

Name and first name: Santos Pais, José Manuel

Date and place of birth: 12 June 1954

Working languages: Portuguese, French, English, Spanish, Italian (elementary), German (elementary)

Current position/function:

Member of the UN Human Rights Committee (2017-2020)

Chair of the Consultative Council of European Prosecutors of the Council of Europe (2019-2020)

Assistant to the Prosecutor General, currently representing the Prosecutor General in the Portuguese Constitutional Court (since 2009)

Main professional activities:

Member of the Portuguese Public Prosecution (Ministère Public), since 1977 (in Portugal, the prosecution is independent from Government)

Areas covered in current position: human rights issues, constitutional law, civil and civil procedure law, criminal and criminal procedure law, administrative law, labour law, tax law

Legal Counsellor to the Minister of Culture (2006-2009)

Director of the Bureau for International, European and Cooperation Affairs, Ministry of Justice (2003–2006)

Head of the Documentation and Comparative Law Office of the Procurator-General's Office (November 1978-February 2003)

Educational background:

Law degree (1971-1976) (Faculty of Law – University of Lisbon)

Other main activities in the field relevant to the mandate of the treaty body concerned:

As Legal Counsellor to the Minister of Culture (2006-2009), prepared legal opinions for the Minister and replies addressed to judicial authorities, in cases concerning the Ministry of Culture

As head of the Bureau for International, European and Cooperation Affairs of the Ministry of Justice (2003-2006), was involved in the work of different international organizations in the field of international cooperation instruments (Council of Europe, European Union, UN, etc.) and judicial cooperation, including in the development of the European, Ibero-American and Lusophone judicial networks

As head of the Documentation and Comparative Law Office of the Prosecutor-General's Office (1978-2003), was involved with legal cooperation with international organizations, in particular the United Nations and the Council of Europe and participated in the coordination, preparation and presentation of several Portuguese reports to UN treaty monitoring bodies; knowledge of legislative reform processes in particular in areas concerning human rights; participation in and planning of awareness raising activities with members of the legal profession (public prosecutors, judges, lawyers) and the public in general on the dissemination of information on human rights; experience in the field of international multilateral and bilateral cooperation in human rights and criminal justice areas

Firm believer in the UN and the rule of law, developed throughout his professional career a deep knowledge of international and domestic law in such areas as human rights, constitutional law, civil and procedure law, criminal and criminal procedure law, as well as on areas concerning the functioning of domestic and international courts

Deeply aware of the important role UN treaty monitoring bodies play regarding the implementation of international human rights instruments, in particular, the importance of ensuring a balanced and rigorous analysis of States endeavours and challenges to promote and observe human rights standards in light of the 2020 review of the treaty bodies system

If elected, will continue to promote and strengthen the interaction of the Human Rights Committee with reporting States, as well as improving the action of the Committee in addressing individual complaints

List of most recent publications in the field:

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Curriculum Vitae

José Manuel Santos Pais

A. Personal information

Date of birth: 12 June 1954

Gender: Male

Nationality: Portuguese

Marital status: married, one child

Working languages: Portuguese, French, English, Spanish, Italian (elementary), German (elementary)

B. Current position/function within the United Nations System

Member of the Human Rights Committee, since January 2017

C. Current position/function within the Portuguese Public Prosecution

Member of the Portuguese Public Prosecution (Ministère Public), since 1977

Assistant to the Prosecutor General, currently representing the Prosecutor General in the Portuguese Constitutional Court, since 2009

Areas covered in current position: human rights issues, constitutional law, civil and civil procedure law, criminal and criminal procedure law, administrative law, labour law, tax law

In Portugal, Public Prosecution is independent from the Executive branch

D. Legal education

• Dates: 1971-1976

• Title of qualification awarded: law degree

- Principal subjects covered: law related subjects (e.g. constitutional law and political science; criminal law and procedure; civil law and procedure; administrative law)
- Name and type of organisation: Faculdade de Direito da Universidade de Lisboa (Faculty of Law - Lisbon University)

E. Former activities carried out within the Portuguese Public Prosecution Department

E.1. Legal Counsellor to the Minister of Culture (2006-2009)

• Main activities and responsibilities:

- (i) elaboration of legal opinions on Portuguese legislation concerning the activity of the Ministry of Culture;
- (ii) elaboration of replies to judicial authorities, namely administrative courts, in cases concerning the Ministry of Culture;
- (iii) analysis of complaints lodged by civil servants belonging to the Ministry of Culture.

E.2. Head of the Documentation and Comparative Law Office of the Procurator-General's Office (November 1978-February 2003)

• Main areas of activity:

- (i) assisting Portuguese experts in several fields of law, namely criminal matters, in view of international cooperation with international organizations (Council of Europe, United Nations, European Union, Hague Conference on Private International Law, Unidroit, etc.);
- (ii) dissemination of information on human rights issues (namely concerning Council of Europe and United Nations) among members of the legal professions, particularly members of the judiciary and the Public Prosecution Service, as well as the general public;
- (iii) cooperation with Portuguese Speaking Countries in the field of law;

(iv) setting up of portuguese legal databases, namely on case law by treaty monitoring bodies (European Court of Human Rights, UN treaty monitoring bodies);

(v) setting up of a library on international law, human rights, comparative law, law of the European Union and foreign law;

(vi) setting up of a Department providing information to members of the judiciary and the Public Prosecution on the fields just mentioned (<http://gdde.ministeriopublico.pt/pagina/bureau-documentation-and-comparative-law>);

vii) setting up of a website, particularly covering human rights issues and the activity of treaty monitoring bodies (<http://gdde.ministeriopublico.pt/pagina/direitos-humanos?menu=direitos-humanos>), not only for Portuguese nationals, but also for members of the legal profession in Portuguese speaking countries

• **Main activities and responsibilities:**

(i) attendance of meetings and other forms of participation in the activity of international organizations;

(ii) presentations in conferences and seminars within the context of international cooperation and the international protection of human rights;

(iii) elaboration, since 1979, of most national reports and replies to questionnaires, as well as information on portuguese law, addressed to international treaty monitoring bodies;

(iv) participation, namely as head of the Portuguese delegation, in the discussion of Portuguese reports to treaty monitoring bodies (UN Convention against torture, International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, UN Convention on the Rights of the Child, etc.).

E.3. National Commission for the commemoration of the 50th. Anniversary of the Universal Declaration on Human Rights and of the UN Decade for the Education in the field of Human Rights, chaired by former President of Republic, Mr. Mário Soares (1998-2004)

• **Sector of activity:**

Dissemination of information on human rights issues for members of the legal professions and the public (<http://gddc.ministeriopublico.pt/faq/obras-publicadas-no-ambito-da-decada-das-nacoes-unidas-para-educacao-em-materia-de-direitos?menu=direitos-humanos>), for information and training purposes

• **Position held:**

Representative of the Minister of Justice in the National Commission

• **Main activities and responsibilities:**

Acted as Secretariat of the National Commission, working in close contact with several Ministries and NGOs

E.4. Interministerial Commission on Macau (1997-1999)

Member to the Interministerial Commission on Macau, representing the Ministry of Justice, mainly entrusted with the preparation of legal instruments on human rights protection in the territory, which have been kept in force, after Macau's handover to China

F. Activities carried outside the Public Prosecution Department

Bureau for International, European and Cooperation Affairs, Ministry of Justice

• **Dates:** February 2003 – February 2006

• **Sector of activity:** law

• **Occupation or position held:** Director

• **Main activities and responsibilities:**

(i) co-ordination of the Justice participation in the activities developed within several international organisations (Council of Europe, European Union, United Nations, Hague Conference on Private International, Unidroit, etc.);

(ii) co-ordination of the activity of cooperation, in the field of law, with Portuguese speaking countries.

(iii) involvement in the strategic definition and planning, as well as coordination of the implementation of the Portuguese input:

(a) To the activities of the **European Judicial Network** falling under the responsibility of the Ministry of Justice;

(b) To the activity of setting up the **Ibero-american Judicial Network** falling under the responsibility of the Ministry of Justice;

(c) To the activity of setting up the **Lusophone Judicial Network** falling under the responsibility of the Ministry of Justice

(d) To the activities of the **UN Crime Prevention and Criminal Justice Program**, including:

d1) Collaboration in the organization of two Seminars for Portuguese judicial and law enforcement authorities, as well as for officers of the Ministries of Justice and Internal Affairs, on the legal and practical implementation of the Protocol against the trafficking in persons, Additional Protocol to the UN Convention against transnational organized crime;

d2) Organization and hosting of three workshops for Portuguese speaking countries, under a Protocol celebrated with the UN Office on Drugs and Crime (Vienna) and in collaboration with such entity. These workshops aimed at fostering the legal and practical implementation of the UN Convention against transnational organized crime and its Protocols, respectively on trafficking in persons and on smuggling of migrants, as well as of the UN Convention against corruption and of the UN Standards and Norms in Crime Prevention and Criminal Justice.