How to start the application process:

The application process consists of two parts: the first part is a web-based survey and the second part is an application form in Word format. Both parts and all sections of the application form need to be completed for the application to be processed.

**First part:** The [web-based survey for two additional mandates](https://www.surveymonkey.com/s/WebApplication_SMH_HRC29_June2015_Add) is used to collect information for statistical purposes such as personal data (i.e. name, gender, nationality), contact details, mandate/s applying for and nominating entity. **The web-based survey for two additional mandates should only be completed once**, even if the candidate is applying for both additional mandates. Multiple selection is allowed to indicate an application for both mandates.

**Second part:** The application form in Word which can be downloaded, completed and saved in Word format and then submitted as an attachment by email. Information provided in this form includes a motivation letter of maximum 600 words. The application form should be completed in English only. It will be used as received to prepare the public list of candidates who applied for each vacancy and will be made available to concerned parties, including through the OHCHR public website.

Once completed, the application form in Word should be submitted by email to hrcspecialprocedures@ohchr.org

If the candidate is applying for more than one mandate, a mandate-specific Word application form needs to be completed and submitted for each mandate.

* A maximum of three reference letters can be attached, in pdf format, to the application sent by email. No additional documents such as CVs or lists of publications will be accepted.
* **Application deadline: 30 April 2015 (12.00 noon GMT)**
* Shortlisted candidates will be interviewed at a later stage.

General description of the selection process is available at <http://www.ohchr.org/EN/HRBodies/SP/Pages/Nominations.aspx>

Please note that for Working Group appointments, only nationals of States belonging to the specific regional group are eligible. Please refer to the list of United Nations regional groups of Member States at <http://www.un.org/depts/DGACM/RegionalGroups.shtml>

In case of technical difficulties, or if you encountering problems completing or accessing any of the forms, the Secretariat may be contacted by email at hrcspecialprocedures@ohchr.org or fax at + 41 22 917 9011.

**An acknowledgment email will be sent when we receive both parts of the application process, i.e. the information through the web-based survey and the Word application form by email.
Thank you for your interest in the work of the Human Rights Council.**

**I. PERSONAL DATA**

|  |  |
| --- | --- |
| **1. Family name:** PIÑAR  | **5. Sex:** **[x]  Male** **[ ]  Female** |
| **2. First name:** JOSE-LUIS  | **6. Date of birth (dd-mm-yy):** 27-05-57 |
| **3. Maiden name (if any):**        | **7. Place of birth:** MADRID. SPAIN |
| **4. Middle name:**        | **8. Nationality (please indicate the nationality that will appear on the public list of candidates):** SPANISH |
|  | **9. Any other nationality:**       |

**II. MANDATE - SPECIFIC COMPETENCE / QUALIFICATIONS / KNOWLEDGE**

**NOTE: Please describe why the candidate’s competence / qualifications / knowledge is relevant in relation to the specific mandate:**

1. **QUALIFICATIONS** (200 words)

**Relevant educational qualifications or equivalent professional experience in the field of human rights; good communication skills (i.e. orally and in writing) in one of the six official languages of the United Nations (i.e. Arabic, Chinese, English, French, Russian, Spanish.)**

My professional qualifications are directly related to fundamental rights. I hold an LL.B and a Ph.D. in Law from Complutense University of Madrid, as well as a Master in Constitutional Law and Political Science (with a significant human rights content). I have been Lecturer of Administrative Law at Universidad Complutense and Professor at Universidad of Castile-La Mancha and I currently hold that position at CEU San Pablo University of Madrid. I have been Adjunct Professor of Law at Georgetown University where I have taught two Postgraduate Courses on the Right to Privacy on both sides of Atlantic. I am the author of many publications dealing with privacy (published in Spain, United Kingdom, Mexico, Poland, Brazil and Chile). I am a Solicitor expert in privacy (with offices in Madrid and Mexico D.F.) and a member of the Commission on the Right to Privacy of the Spanish Bar Association, entrusted with promoting the right to privacy among Spanish lawyers.

As Director of the Spanish Data Protection Agency (2002-2007) I held the top responsibility for the preservation of privacy. The Spanish Government awarded me the Cross of Honour of the Order of San Raimundo de Peñafort, the maximum distinction in Spain given to an individual in recognition of his efforts on behalf of law and justice.

Communication skills: Mother language: Spanish.I can also communicate in English.

1. **RELEVANT EXPERTISE** (200 words)

**Knowledge of international human rights instruments, norms and principles. (Please state how this was acquired.)**

**Knowledge of institutional mandates related to the United Nations or other international or regional organizations’ work in the area of human rights. (Please state how this was acquired.)**

**Proven work experience in the field of human rights. (Please state years of experience.)**

My knowledge of the instruments, rules and principles of Human Rights International Law derives, on the one hand, from my role as Professor of Public Law from 1992 till present. Before that, from 1980 and 1982, I was an advisor to the Spanish Ministry of Justice where I was in charge of liaising with the United Nations regarding Fundamental Rights. On the other hand, as regards the right to privacy, my former positions as the Director of the Spanish Data Protection Agency (2002-2007), member (2002-2007) and Vice-Chairman (2004-2007) of the European Article 29 Data Protection Working Party, and Founding President of the Ibero-American Data Protection Network, RIPD (2003-2007) are most significant. Pursuant to Article 8 of the European Charter of Fundamental Rights the right to data protection is safeguarded by an independent authority, which in Spain is the Agency already referred to. The European Data Protection Directive emphasises the institutional relevance of the Art. 29 WP; whereas the Statement made in 2003 by the Ibero-American Heads of State and Government recognises the institutional importance of the RIPD. I do therefore have proven experience in the most relevant national and international organisations dealing with the protection of the right to privacy.

1. **ESTABLISHED** **COMPETENCE** (200 words)

**Nationally, regionally or internationally recognized competence related to human rights. (Please explain how such competence was acquired.)**

I have developed national and international competences pertaining to the right to privacy. At the national level, I have exercised public powers dealing with the protecting the right to privacy as Director of the Spanish Data Protection Agency (2002-2007). This Agency is, pursuant to Organic Act 15/1999, dated 13th December, the institution in charge of the supervision of the fundamental right to data protection. Among other things, during my directorship the Agency, a MOU was entered into with the US Federal Trade Commission for co-operation in the prevention of data protection violations in both countries. At the international level, one could highlight the following: in Europe, my membership in the European Article 29 Data Protection Working Party. This is the most significant data protection institution within the European Union. As the Vice-President of the WP, from 2004 to 2007, I took part in the negotiations between the European Union and the United States pertaining to privacy related issues (PNR, the SWIFT case, the Safe Harbour System, etc.). Furthermore, as President of the Ibero-American Data Protection Network (2003-2007), I also took part in the initiatives of many privacy- related regulatory frameworks in a number of Latin American countries.

1. **flexibility/readiness and AVAILABILITY of time** (200 words)

**to perform effectively the functions of the mandate and to respond to its requirements, including participating in Human Rights Council sessions in Geneva and General Assembly sessions in New York, travelling on special procedures visits, drafting reports and engaging with a variety of stakeholders. (Indicate whether candidate can dedicate an estimated total of approx. three months per year to the work of a mandate.)**

I’m currently Professor of Public Law at CEU-San Pablo University in Madrid. I also render international consulting services on privacy issues. These activities allow me to have a great deal of flexibility in my professional endeavours, given that my teaching load is not particularly onerous, aside from which I also have support research assistants that can give lectures in my stead. Thus I have a substantial availability of time (at least the equivalent of three months per year) to cover the level of dedication required for the position of Special Rapporteur on the right to privacy. Furthermore, my current mandate as Vice-Chancellor of International Affairs of my University ends in next June, which would make it possible for me to request the grant of a sabbatical year over the next few years. I do furthermore have sufficient means at the University to allow me to perform the functions of Rapporteur without any problems whatsoever. As for my current international consulting work, and given that I am the Leading Partner of a consultancy firm (Piñar Mañas&Asociados), I would also be able to adapt without any problems at all to any requirements that may arise from my performance of the Rapporteur functions.

**III. Motivation Letter** (600 word limit)

1.- Challenges to privacy in a world without borders.

The right to privacy is going through a particularly convulse period. The need to adopt measures that guarantee national and international security, as well as the introduction of new technologies in the digital era, cause privacy to be subject, or to be potentially subject, to major risks. Additionally, the technological revolution and its incidence upon human relationships and on data handling and transmission systems demand a constant vigilance in view of the possible privacy threats.

2.-Necessary leading role required from UN.

In this scenario, I am fully convinced that United Nations must play a very significant and leading role in the world-wide consolidation of right to privacy in the digital era. Several diverse and apparently divergent right to privacy systems coexist nowadays: the European, the American and the APEC one. I am nevertheless convinced that it is possible to reach an international agreement that embodies the common elements and reinforces the best ones from each system. To that end the United Nations must assume a leading role in a new era in which privacy and the digital society coexist in a borderless world.

3.-Necessary double perspective: academic awareness and exercise of regulatory and supervisory responsibilities.

On many occasions, in my twofold roles as a privacy regulator or as an academic, I have insisted on the need to have available an international legal instrument that clearly sets the principles and rules of the right to privacy in the digital era. Thus, for the last two years I have managed an International Research Project on Privacy and about the extraterritorial application of laws, in which, among others, the following professors participate, under my co-ordination: Stefano Rodotà (Università Sapienza di Roma), Joel Reidenberg (Fordham University of New York), Karim Benyekhlef (Université de Montréal), Jean Pierre Duprat (Université de Bordeaux) or Regina Linden (Universidade do Rio Grande do Sul). Furthermore, my responsibilities as the head of the Spanish Data Protection Agency, Vice-Chairman the Article 29 Data Protection Working Party and President of the Ibero-American Data Protection Network have allowed me to closely and directly observe and to exercise wide national and international decision-making capacity in the most significant challenges to privacy in the 21st century. I am therefore familiarised not only with the scientific and conceptual construction of privacy in the digital era in a potentially unsafe world but also with the practical implementation of normative and institutional solutions to guarantee and reinforce the right to privacy. I sincerely believe that this double-sided perspective, academic and institutional, has allowed me to attain a deep knowledge of reality that can contribute an indisputable added-value to the most important role that is to be played by the Special Rapporteur on the right to privacy.

4.- Pay attention to the affected sectors to prepare future-oriented proposals.

I do furthermore firmly believe in the need to maintain a constant exchange of views with all of the stakeholders involved (governments, regulatory authorities, police forces, private sector, human rights organizations, NGOs, representatives of consumers and users, privacy professionals, technicians experts in new technologies and the digital society, young people, etc.) in order to be able to propose ways to strengthen privacy at a global level whilst remaining well- aware of the social, technological, financial and legal realities.

5.- An exciting challenge

Within this framework, nothing can be more exciting for someone who has been, like me, nearly fifteen years dedicated to data protection, to be given the opportunity of collaborating from UN towards the reinforcement and consolidation of the right to privacy in the digital era.

**IV. LANGUAGES (READ / WRITTEN / SPOKEN)**

**Please indicate all language skills:**

**Mother tongue:** **SPANISH**

**Arabic:** Yes or no: **NO** If yes,

**Read:** Easily orNot easily:
**Write:** Easily or Not easily: **Speak:** Easily or Not easily:

**Chinese:** Yes or no: **NO** If yes,

**Read:** Easily or not easily: **Write:** Easily or not easily: **Speak:** Easily or not easily:

**English:** Yes or no: **YES** If yes,

**Read:** Easily or not easily: **EASILY
Write:** Easily or not easily: **EASILY
Speak:** Easily or not easily: **EASILY**

**French:** Yes or no: **YES** If yes,

**Read:** Easily or not easily: **EASILY
Write:** Easily or not easily: **NOT EASILY
Speak:** Easily or not easily: **NOT EASILY**

 **Russian:** Yes or no: **NO** If yes,

**Read:** Easily or not easily: **Write:** Easily or not easily: **Speak:** Easily or not easily:

**Spanish:** Yes or no: **YES** If yes,

**Read:** Easily or not easily: **EASILY
Write:** Easily or not easily: **EASILY
Speak:** Easily or not easily: **EASILY**

**V. EDUCATIONAL RECORD**

**NOTE: Please list the candidate’s academic qualifications (university level and higher).**

|  |  |  |
| --- | --- | --- |
| **Name of degree and name of academic institution:** | **Years of attendance****(from-to):** | **Place and country:** |
| LAW DEGREE. COMPLUTENSE UNIVERSITY | 1974-1979 | MADRID. SPAIN |
| DOCTOR IN LAW. COMPLUTENSE UNIVERSITY | 1985 | MADRID.SPAIN |
| MASTERS DEGREE IN CONSTITUTIONAL LAW AND POLITICAL SCIENCE.CENTRO DE ESTUDIOS POLITICOS Y CONSTITUCIONALES | 1983-1984 | MADRID. SPAIN |
|       |       |       |

**VI. EMPLOYMENT RECORD**

**NOTE: Please briefly list ALL RELEVANT professional positions held, beginning with the most recent one.**

|  |  |  |
| --- | --- | --- |
| **Name of employer,****functional title,****main functions of position:** | **Years of work(from-to):** | **Place and country:** |
| PROFESSOR OF ADMINISTRATIVE LAW. VICE-CHANCELLOR FOR INTERNATIONAL RELATIONS. CEU-SAN PABLO UNIVERSITY.MARID | 1995-NOW2011-NOW | MADRID. SPAIN |
| DIRECTOR OF THE SPANISH DATA PROTECTION AGENCY | 2002-2007 | MADRID-ESPAIN |
| VICE PRESIDENT. EUROPEAN GROUP OF DATA PROTECTION COMMISSIONERS (ART. 29 WORKING PARTY). EUROPEAN COMMISSION. EUROPEAN UNION  | 2004-2007 | MADRID-SPAIN.BRUSSELS-BELGIUM |
| FOUNDER AND FIRST PRESIDENT OF THE IBEROAMERICAN DATA PROTECTION NETWORK | 2003-2007 | MADRID-SPAIN.  |

**VII. COMPLIANCE WITH ETHICS AND INTEGRITY PROVISIONS
(of Human Rights Council resolution 5/1)**

**1. To your knowledge, does the candidate have any official, professional, personal, or financial relationships that might cause him/her to limit the extent of their inquiries, to limit disclosure, or to weaken or slant findings in any way? If yes, please explain.**

NO

**2. Are there any factors that could either directly or indirectly influence, pressure, threaten, or otherwise affect the candidate’s ability to act independently in discharging his/her mandate? If yes, please explain:**

NO

**3. Is there any reason, currently or in that past, that could call into question the candidate’s moral authority and credibility or does the candidate hold any views or opinions that could prejudice the manner in which she/he discharges his mandate? If yes, please explain:**

NO

**4. Does the candidate comply with the provisions in paragraph 44 and 46 of the annex to Human Rights Council resolution 5/1?**

***Para. 44: The principle of non-accumulation of human rights functions at a time shall be respected.***

***Para. 46: Individuals holding decision-making positions in Government or in any other organization or entity which may give rise to a conflict of interest with the responsibilities inherent to the mandate shall be excluded. Mandate holders will act in their personal capacity.***

YES

**5. Should the candidate be appointed as a mandate holder, he/she will have to take measures to comply with paragraphs 44 and 46 of the annex to Council resolution 5/1. In the event that the current occupation or activity, even if unpaid, of the candidate may give rise to a conflict of interest (e.g. if a candidate holds a decision-making position in Government) and/or there is an accumulation of human rights functions (e.g. as a member of another human rights mechanism at the international, regional or national level), necessary measures could include relinquishing positions, occupations or activities. If applicable, please indicate the measures the candidate will take.**

NO

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