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](mailto: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](mailto: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:** VAN GYSEGHEM | **5. Sex:**  **Male**  **Female** |
| **2. First name:** Jean-Marc | **6. Date of birth (dd-mm-yy):** 16-04-1970 |
| **3. Maiden name (if any):** | **7. Place of birth:** Ixelles (Belgium) |
| **4. Middle name:** Christophe | **8. Nationality (please indicate the nationality that will appear on the public list of candidates):** Belgium |
|  | **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.)**

The candidate received his diploma in medical law at the University of Poitiers (France) in 1996. During this master, he had the opportunity to approach the right to health services and medical secret.

In 2001, the candidate integrated the Research Centre Information, Law and Society (www.crids.eu) at the University of Namur (Belgium) to work on the e-health services and privacy. This gave him the opportunity to deepen the concepts of privacy and data protection as transversal fundamental rights. He's now head of the research Unit "Liberties and information society" of the Research Center Information, Law and Society. This charge gives the opportunity to lead a group of 14 persons working in the field of privacy.

From 2011 to 2014, the candidate was appointed by the International telecommunication Union as international expert to work on the HIPSSA and HIPCAR programs. His mission consisted in writing and adoption of privacy regulations in Africa (HIPSSA). The mission in Jamaica consisted in writing of drafting instructions for a privacy regulation in 2013 and its review in 2014.

The candidates is used to speak at international/national and regional conferences on privacy and data protection and write articles on privacy in English and French.

The candidate is fluent in French, English and Italian (speaking, writing and reading).

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.)**

As international Expert appointed by ITU, the candidate had the opportunity to write reports on the international framework and legislation on privacy (UN, OCDE, CoE, African Union, EU, etc.). They were reports including a comparative work between these international legislations in order to explain the various concepts on privacy and suggest a proposition of legislation in this matter.

In the UN framework, we meet many mandates which are attached to the UN organs themselves or to UN agencies acting in specific matters as telecommunication or refugees. These mandates are devoted, amongst other competencies, to the respect of UN principles and fundamental rights which are the angle stone of a peaceful collaboration between countries. They are also devoted for the respect of decisions which are always connected, closely or not, to the fundamental rights.

At the level of the continent, we have various regional organization working on human rights as CoE, ACHPR and the EU amongst other organizations.

Since 2001 (14 years), the candidate has been working daily in the field of the human rights as head of the Research Unit "Liberties and Information Society" of the CRIDS. Indeed, this unit deals with privacy matters including data protection, cybercrime, etc.

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

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

The candidate is known as an expert in Belgium as well as in Europe and some parts of the African continent in the field of privacy. He was reviewer appointed by the European Commission on some European projects of research to review the part dedicated to privacy.

He's also invited to speak in international conferences on privacy. These conferences is the opportunity to share experiences in privacy and to expose the situation on this topic and to explain the principles and challenges on privacy and data protection. As an example, he will be speaker at the Forum africain sur la protection des données personnelles as an expert on cloud computing, open data and big data next May 19 and 20th.

Some conferences are also dedicated for recent ("young") data protection authority or future data protection authority. As an example, the candidate spoke at a workshop in Tunisia in 2012 dedicated to the writing of the privacy legislation. It was organized by the European Commission.

The candidate has also been appointed by the Council of Europe as an expert on the concepts of anonymity and pseudonomization.

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.)**

The candidate is aware about the time to be dedicated to the function. He has a high level of flexibility and is ready to spend the time needed for such a function as he showed it during his mission for ITU.

He's use to have different function and to dedicate the requested time to each of them.

This availability is facilitated by the fact that the candidate is aware about the importance of the mandate as the privacy is a fundamental right impacting many other ones. Privacy is fundamental in the sense it allows people to freely build their own personality and sphere of existence.

As the mandate of special rapporteur is highly connected with the work done as attorney at law and member of the University of Namur, it will easy to free time for it.

Meeting stakeholders is an opportunity to confront privacy with culture. The candidate had already, as international expert appointed by ITU, the opportunity to meet stakeholders coming from various countries and to build constructive discussion and debates about Privacy in the respect of the culture of each other.

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

Dear Madam,

Dear Sir,

I allow to submit to your attention my application to the position of special Rapporteur on the right to privacy as an individual.

This mandate is very attractive for many reasons:

- As explained above, I've been working in the field of privacy for many years and I always look forward to try to gain more knowledge about privacy in the world and share my experience. Indeed, privacy must be seen as highly connected with the culture and the period.

- The right to privacy is particular as it's in connection with various other fundamental rights (right of association, freedom of speech, etc.). Privacy is also crucial for individuals as they need it to develop themselves in the society whatever is this society.

- The right to privacy is sacrificed on the altar of the security and the terrorism. These two matters are used to reduce the right to privacy almost without any control. In consequence, a kind of watchdog is needed to analyze the real protection of the right to privacy even if we have to highlight that the right to privacy is necessarily acting together with other fundamental rights. The whole is to find the right balance between them.

- The right to privacy is also threaten by the use of technologies which can be very invasive. Indeed, technologies can become a real mean to profile people, to control how people act, to use the people as material. By example, by offering free services, some providers of services in the information society collect a huge amount of data which are shared with partners (often commercial ones) in order to get back the initial investment. At the final stage, we can consider that the users pay the service with their own personal data without any acknowledgment.

- the right to privacy is also a right linked to the personality. Let's think to the right to know the identity of our parents (biological), the right to control her/his own personal data. This right must be guarantee not only in the legislation but also in the reality. An element I've to highlight is the independence of the data protection authorities which is not always a reality. It's often subject to political intrusion with, in consequences, a lack of independency.

Having these points in mind and it's not exhaustive, the mandate of special Rapporteur on the right to privacy offers a real opportunity to screen the real protection of the right to privacy by the members of the UN without exception in the duration. This mandate can be seen as an extension of my mission of expertise for the ITU.

Unfortunately, I didn't get the opportunity to collect any letter of reference but my Curriculum vitae and list of publication can be consulted on http://directory.unamur.be/staff/jmvangys. Feel also free to ask for it if needed.

I hope that my application will be taken in consideration.

Yours faithfully

Jean-Marc Van Gyseghem

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

**Please indicate all language skills:**

**Mother tongue:** **French**

**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: **easily  
Speak:** Easily or not easily: **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: **No** If yes,

**Read:** Easily or not easily: **Write:** Easily or not easily: **Speak:** Easily or not 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:** |
| DESS in medical law (specialized Master) | 1995-1996 | Poitiers - France |
| Law Degree | 1989 - 1995 | Namur and Louvain-la-Neuve - Belgium |
|  |  |  |
|  |  |  |

**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:** |
| Superior Health Council (Independent legal expert) | 2014 - still n post | Namur - Belgium |
| ITU (international expert in HIPSSA and HIPCAR programs) | 2011 - 2014 (end of the programs) | Geneva - Switzerland |
| Attorney at law - Rawlings giles law firm (Partner) | 2008 - still in post | Brussels - Belgium |
| University of Namur (Financial and Executive Manager of the advanced Master in TIC and Crids' vocational trainings and Head of the researc Unit "liberties and the information society" at the Crids - www.crids.eu) | 2001 - still in post | Namur - Belgium |

**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.**

Not applicable

\*\*\*\*