**How to apply:**

The entire application process consists of two parts: **1. online survey** and **2. application form in Word format**. Both parts and all sections of the application form need to be completed and received by the Secretariat before the expiration of the deadline.

**First part:** **online survey** (<https://ohchr-survey.unog.ch/index.php/858683>) is used to collect information for statistical purposes such as personal data (i.e. name, gender, nationality), contact details, mandate applying for and, if appropriate, nominating entity.

**Second part:** **application form in Word** can be downloaded from [http://www.ohchr.org/EN/HRBodies/SP/Pages/HRC37.aspx](https://www.ohchr.org/EN/HRBodies/SP/Pages/HRC37.aspx) by clicking on the mandate. It should be fully completed and saved in Word format and then submitted as an attachment by e-mail. Information provided in this form includes a motivation letter of maximum 600 words. The same name, gender and nationality should be used both in the online survey and in the Word application form. 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 also be posted as received on the OHCHR public website.

Once fully completed (including Section VII), the application form in Word should be submitted to [hrcspecialprocedures@ohchr.org](mailto:hrcspecialprocedures@ohchr.org) (by e-mail). A maximum of up to three reference letters (optional) can be attached in Word or pdf format to the e-mail prior to the expiration of the deadline. No additional documents, such as CVs, resumes, or supplementary reference letters beyond the first three received will be accepted.

**Please note that for Working Group appointments, only citizens 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**](http://www.un.org/depts/DGACM/RegionalGroups.shtml)

* **Application deadline: 23 January 2018 (12:00 noon GREENWICH MEAN TIME / gMT)**
* **No incomplete or late applications will be accepted.**
* **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](https://www.ohchr.org/EN/HRBodies/HRC/SP/Pages/Nominations.aspx)

In case of technical difficulties, or if encountering problems with accessing or completing the forms, you may contact the Secretariat by e-mail at [hrcspecialprocedures@ohchr.org](mailto:hrcspecialprocedures@ohchr.org) or fax at + 41 22 917 9008.

**You will receive an acknowledgment e-mail when both parts of the application process, i.e. the data submitted through the online survey and the Word application form, have been received by e-mail.  
Thank you for your interest in the work of the Human Rights Council.**

**I. PERSONAL DATA**

|  |  |
| --- | --- |
| **1. Family (last) name:** RODRIGUEZ-RESCIA | **5. Year of birth:** 1963 |
| **2. First (given) name:** VICTOR | **6. Place of birth:** COSTA RICA |
| **3. Other name, if any:** | **7. Nationality (please indicate the nationality that will appear on the public list of candidates):** COSTA RICA |
| **4. Gender:** MALE | **8. Any other nationality:** ITALIAN |

**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.)**

Lawyer with posgrade in International Public Law (University of Costa Rica). International Human Rights courses at Oxford University, International Human Rights Institute (Strasbourg); Inter-American Institute of Human Rights. Professional experience in International Human Rights Law for more than 28 years starting in 1989 at the Inter-American Court of Human Rights -10 years- (Head of Legal Department and Deputy Secretary); Principal Human Rights Consultant of Inter-American Institute of Human Rights (10 years); former member and Chair of the UN Subcommittee on Prevention of Torture (two terms); former UN Committee of Human Rights (as for December 2016). Member of General Assambly of the International Commission of Jurists, Geneve; Inter-American Institute of Human Rights (Costa Rica). President of the Center for Civil and Political Rights (Geneve). Professor and invited professor of International Law and Human Rights Law in different universities (University of Costa Rica, Columbia University (USA), University of La Plata (Argentina), Milano Biccoca and Verona Universities (Italy). President of Inter-American Institute for Social Responsibility and Human Rights, International Human Rights Consultant and Evaluation Projects for UNDP / Colombia, and other international cooperation agencies. Spanish mother tongue, orally and writing skills in English language.

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.)**

International Human Rights Instruments, Standards, Principles and Jurisprudence Knowledge acquired as Human Rights University Professor and Independent Expert and Member of the Subcommittee on Prevention of Torture and Committee of Human Rights (UN mandates). As principal lawyer and Deputy Secretary of Inter-American Court of Human Rights I wrote judgments drafts for several years. Because I was SPT first composition and Bureau member and Chairman, I wrote several administrative rules, Rule of Procedures, manual of proccedings, in field country visits protocols, and best practices recommentations according to OPCAT mandate. As Human Rights Committee member I was involved in the application and interpretation of ICCPR mandate, rules and proceedings. I was first non reprisals Rapporteur and Individual Communication Follow-up Rapporteur of the Human Rights Committee when I proposed a new follow-up evaluation system. As former Inter-American Court Deputy Secretary I had to manage its conventional mandate and Rules not only in legal proceedings but also in administrative issues. Twenty years experience working inside UN and Inter-American Human Righs systems and similar years as Human Rights litigation lawyer before Inter-American and UN systems is part of my CV. I am Human Rights training professor coordinating international law clinics litigation of Depaul University and IIRESODH litigation program.

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

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

At national level: I was International Law and Human Rights professor in main public universities. As human rights lawyer, I am President of "Inter-American Services of Professionals in Human Rights", a Law Firm focusing on international litigation before Inter-American and UN human rights systems. I have made several human rights reports in my country, including the last Human Rights Committee Final Observations by means of CCPR Center follow-up mission. As President of IIRESODH, I organized human rights litigation training process taking advantage of Inter-American Court Heaquarters in Costa Rica. At regional level: I have more than 25 years training in judiciary, penitentiary and lawyers and civil society activists in Inter-American Human Rights System (individual petitions, general cases, thematic public hearings, projects management and evaluation projects). I have writen several books and articles about Inter-American System practices (theory and practice). At International Level: As Independent expert I have 10 years at SPT and Human Rights Committee member visiting and reporting about prevention of torture in places of detention in African, Asian, Latin American and European countries. As former Human Rights Committee I was head of task forces in several countries human rights examinations and individual petitions rapporteur taking political and diplomatic relationships with Governments

1. **PUBLICATIONS OR PUBLIC STATEMENTS**

**Please listsignificant and relevant published books, articles, journals and reports that you have written or public statements, or pronouncements that you have made or events that you may have participated in relation to the mandate.**

* 1. **Enter three publications in relation to the mandate for which you are applying in the order of relevance:**

**1. Title of publication:** CCPR/C/107/D/1785/2008. Olechkevitch Joint Separate Concurrent opinion.

**Journal/Publisher:** OHCHR

**Date of publication:** 06/06/2013

**Web link, if available:** http://juris.ohchr.org/Search/Details/1303

**2. Title of publication:** Curso de Derechos Humanos

**Journal/Publisher:** Investigaciones Jurídicas S.A.

**Date of publication:** 2016

**Web link, if available:**

**3. Title of publication:** Casos Hipotéticos para el estudio y capacitación en derechos humanos

**Journal/Publisher:** Instituto Interamericano de Derechos Humanos

**Date of publication:** 2009

**Web link, if available:** https://www.iidh.ed.cr

**If more than three publications, kindly summarize** (200 words):

* 1. **Enter three public statements or pronouncements made or events that you may have participated in relation to the mandate for which you are applying in the order of relevance:**

**1. Platform/occasion/event on which public statement/pronouncement made:** Protecting Victims and Witnesses of Torture:

The Need for Independence and the Role of Civil Society. Participant.

**Event organizer:** DIGNITY, DANISH INSTITUTE AGAINST TORTURE

**Date on which public statement/pronouncement made:** May 31, 2017

**Web link, if available:**

**2. Platform/occasion/event on which public statement/pronouncement made:** Extra-custodial use of force and the prohibition of torture and other cruel, inhuman or degrading treatment or punishment. Participant in the previous workshop organized by Geneve Academy.

**Event organizer:** Special Rappourteur against torture

**Date on which public statement/pronouncement made:** July 20, 2017

**Web link, if available:**

**3. Platform/occasion/event on which public statement/pronouncement made:**

**Event organizer:**

**Date on which public statement/pronouncement made:**

**Web link, if available:**

**If more than three, kindly summarize** (200 words):

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 (HRC) sessions in Geneva and General Assembly sessions in New York, travelling on special procedures visits, drafting reports and engaging with a variety of stakeholders. Kindly indicate whether the candidate can dedicate an estimated total of approximately three months per year to the work of a mandate.**

**Please note that the work of mandate holders is unpaid. Those appointed as mandate holders serve in their personal capacities. They are not United Nations staff members, they are not based in United Nations offices in Geneva or at another United Nations location, and they do not receive salary or other financial compensation, except for travel expenses and daily subsistence allowance of “experts on mission”.**

I have previous experience working for UN Human Rights Committees taking into account availability, flexibility and requirements to fulfill with similar responsibility mandate. I aware I must take approximately three months per year to travel to different countries in field visits and Geneve or any other country on behalf of this mandate. In this regards, this position is similar to my previous mandates as independent expert of SPT. Because that reason, I aware about UN rules in regards non receiving salary (only daily subsistence allowance, and other administrative rules regarding travel security and UN codes of conducts.) If I were elected for this mandate, I accept all theses requirements and conditions, including timing to read, write and prepare reports, conferences and any other collateral documents and having meetings with civil society organizations and governmental authorities.

**III. Motivation Letter** (600 word limit, must be included below and not in a separate e-mail or as an attachment)

My professional and personal interest to apply to this Special Rapporteurship is not only because I have been involved in civil society role to strengh human rights prevention and protection since different plataforms (training in international litigation, follow-up of UN human rights Committees Final Observations and UPR´s recomendations), but also as human rights professor and former UN Human Rights Committee Member, and SPT chairman. My first case as member of Human Rights Committee was precisely an individual communication related to peaceful assembly and of association. In my point of view, the Committee made a conservative resolution in that topic, which forced me issuing my first separate opinion with a broader focus because I believe right to peacefull assembly and of association is closely linked to freedom of expression and viceversa. Most of the time the Committee analyze that relationship only if the author claim separate or jointly violation of Articles 21 and 19 of the ICCPR. I believe that relationship must be analized accordingly iura novit curiae principle. Nevertheless, my main worry has to do with peaceful assembly and of association as “collective” right in a democratic country. Participating in UN Human Rights Committee country examination in regards countries around the world, with different kind of government and legal systems, it was clear the important role of paceful assembly and of association as guaranty of Rule of Law, democracy and human rights framework. Eventhough peaceful assembly and of association is an individual and collective human rights at the same time, been the last one dimension (collective) the most complex and urgent guaranty to protect in the modern world. It is clear there are several restrictions, limitations and new wrong practices to restrict the paceful assembly and of association not only in autocratic governments but also in democratic countries without accountability enough. Precisely, if I were elected to the position of Rapporteur in this matter, my emphasis would be addressing a preventive approach to the right of peaceful assembly and of association making general recommendations to face the following modern treaths: 1. Criminalization of peaceful assembly and of association by means of wrong practices and illegal restrictions against general population and leaders of social and human rights groups (specially most vulnerable groups); 2. Excessive controls, unlawful and unjustified restrictions by governmental authorities to authorize peaceful assemblies; 3. Abuse of state control over civil society organizations that work on human rights issues; 4. Abusive control of resources and donations received by civil society organizations from their donors and international cooperation. 5. Excessive use of security forces to illegally repress the fredom of peaceful assembly and of association, and, 6. Perverse use of paceful assembly to attack civil population by means of terrorism acts. Because I have traveled around the world in human rights missions, I understand the importance of international human rights standards taking into account context of cultural differences. In this regard, today is a very important moment to respect the balance between security of treaths of structural violence, including terrorism, and the recource, as a last resort, to rebellion against tyranny and oppression stablished in the Preamble of the Universal Declaration of Human Rights in order to protect human rights by the rule of law. Finally, I have experience with high level meetings and constructive dialogos with all kinds of governments due to participating as chairman and Head of missions on behalf of SPT and Human Rights Committee in different countries, including meetings with State Parties and submitting SPT annual report before UN Theird Commission in New York. My SPT mandate was so similar to any other UN Rappourtership visiting and writing reports in regards field visits. This background includes fundraising experience with different stakeholders.

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

**Please indicate all language skills below.**

**1. Mother tongue:**  **spanish**

**2. Knowledge of the official languages of the United Nations:**

**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: **not 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, indicating type of degree, subject, and whether full or part-time, ex. *Masters in law, University of xxx, part-time)*.**

|  |  |  |
| --- | --- | --- |
| **Name of degree and name of academic institution, full or part-time:** | **Years of attendance**  (provide a range from-to, for example 1999-2003): | **Place and country:** |
| International Law Posgrade. University of Costa Rica. full time | 02/1988-01/1989 | San José, Costa Rica |
| Attorney at Law (licenciatura). University of Costa Rica. Full time | 02/1982-12/1987 | San José, Costa Rica |
| Public Notary. University of Costa Rica. Full time | 02/1982-12/1987 | San José, Costa Rica |
| Human Rights Summer Program Certificate, Oxford University, part-time | 07/2002 | 08/2002 |

**VI. EMPLOYMENT RECORD**

**NOTE: Please briefly list ALL RELEVANT professional positions held in the area of human rights, beginning with your current occupation.** **Also indicate whether positions held were not full-time.**

|  |  |  |
| --- | --- | --- |
| **Name of employer,**  **functional title,**  **main functions of position, full or part-time:** | **Years of work** (provide a range from-to, for example 1999-2005): | **Place and country:** |
| Center for Civil and Political Rights. President. Part-time. I travel in follow-up country examinations in regards Human Rights Committee recommentations, several of them including right to association and paceful assembly. | .May 2017-present | Geneve |
| UN Committee of Human Rights (ICCPR). Independent expert. Part-time. Discuting and writing individual communications in regards right to peaceful assembly and of association | 2013-2016 | Geneve |
| Inter-American Court of Human Rights. Deputy Secretary and Head of Legal Department. Full-time. | 1989-1999 | Costa Rica |
| UN Subommittee for Prevention of Torture (SPT). Member and Chair. Part-time. | 2006-2012 | Geneve/global |

**VII. COMPLIANCE WITH ETHICS AND INTEGRITY PROVISIONS   
(of Human Rights Council resolution 5/1)  
*To be completed by the candidate or by the nominating entity on the candidate’s behalf.***

**1. To your knowledge, does the candidate have any official, professional, personal, or financial relationships that might cause the candidate to limit the extent of 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 the mandate? If yes, please explain:**

NO

**3. Is there any reason, currently or in the 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 the candidate discharges the 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? (Please answer YES if the candidate complies, NO if the candidate does not comply, together with an explanation.)**

***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, the candidate 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

**VIII. CERTIFY AND SUBMIT APPLICATION  
*To be completed by the candidate or by the nominating entity on the candidate’s behalf.***

**I hereby certify that all of the statements made in this application are true, complete and are made in good faith. I understand that falsifying or intentionally withholding information will be grounds for not being selected or appointed or the withdrawal of any proposed appointment or, if an appointment has been made and accepted, for its immediate cancellation or termination.  
  
Kindly note that whilst no changes can be made after this application form has been submitted and the deadline for applications has expired, any relevant change of current occupation, employment, or position, or any other relevant fact or circumstance should be brought to the attention of the secretariat by   
e-mail (**[**hrcspecialprocedures@ohchr.org**](mailto:hrcspecialprocedures@ohchr.org)**).**

**Please review your application before you insert your name and date to indicate your agreement.**

**Name:** Victor Rodríguez-Rescia

**Date:** January 23, 2018

\*\*\*\*