***APPLICATION DEADLINE: 7 DECEMBER 2021 AT 12 NOON GENEVA TIME***

* *The application process consists of two compulsory parts:****(1) online survey[[1]](#footnote-1)*** *(*[*https://ohchr-survey.unog.ch/index.php/575135*](https://ohchr-survey.unog.ch/index.php/575135)*)
and****(2) application form in Word format[[2]](#footnote-2)*** *(to be downloaded from* [*https://www.ohchr.org/EN/HRBodies/HRC/SP/Pages/HRC49.aspx*](https://www.ohchr.org/EN/HRBodies/HRC/SP/Pages/HRC49.aspx)*)*
* *Once fully completed, in English or French only, the Word application form should be submitted by email to* *ohchr-hrcspecialprocedures@un.org*
* *A maximum of up to three optional reference letters may be attached to the email (in Word or PDF format).*
* *No additional documents (e.g. CVs, resumes or additional reference letters) will be accepted.*
* *Applicants will receive an acknowledgment email 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 the Secretariat.*
* *Applications will only be considered if both parts and all sections of the Word application form have been completed and received by the Secretariat before the expiration of the deadline.* ***No incomplete or late applications will be accepted****.*
* *Eligible for Working Group mandates are only nationals of the States belonging to the* [*regional groups*](https://www.un.org/dgacm/content/regional-groups) *for which specific vacancies have been advertised.*
* *General description of the selection process and answers to frequently asked questions are available at* [*https://www.ohchr.org/EN/HRBodies/HRC/SP/Pages/Nominations.aspx*](https://www.ohchr.org/EN/HRBodies/HRC/SP/Pages/Nominations.aspx) *and* [*https://www.ohchr.org/EN/HRBodies/HRC/SP/Pages/BasicInformationSelectionIndependentExperts.aspx*](https://www.ohchr.org/EN/HRBodies/HRC/SP/Pages/BasicInformationSelectionIndependentExperts.aspx)
* *In case of technical difficulties or problems with accessing or completing the forms, you may contact the Secretariat by email (**ohchr-hrcspecialprocedures@un.org**) or fax (+41 22 917 9008).*

**I. PERSONAL DATA**

|  |  |
| --- | --- |
| **1. Family (last) name:** Herencia Carrasco  | **5. Year of birth:** 1977 |
| **2. First (given) name:** Salvador  | **6. Place of birth:** Lima |
| **3. Other name, if any:** Martin  | **7. Nationality (please indicate the nationality that will appear on the public list of candidates):** Peruvian |
| **4. Gender:** Male  | **8. Any other nationality:** No |

**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 limit)

**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.)**

- Ph.D. candidate- Faculty of Postgraduates Studies in Law- University of Ottawa. Expected year of completion: Spring 2022.

- Part-time professor for the course on the Inter-American Human Rights System for the Section de Droit Civil at the University of Ottawa.

- Director of the Human Rights Clinic of the Human Rights Research and Education Centre, University of Ottawa.

- Lawyer (J.D., LL.M.) working on in International Law, International Criminal Law, Human Rights and Constitutional Law.

- Collaborator for the Insight Development Grant titled “A Business Case for Protecting Human Rights” (June 2019-May 2021) and the project "Violence et démocratie : la criminalisation de la défense des droits en Amérique Latine", supported by the Social Science Research and Humanities Council of Canada.

- Foreign expert (amicus curiae) for the Special Jurisdiction for Peace in Colombia, created under the peace agreement celebrated with the FARC in November 2016.

- Member of the Latin-American Study Group on International Criminal Law chaired by the Konrad Adenauer Foundation and Göttingen University, Germany.

- Member of the Board of the Latin American Branch of the Global Business and Human Rights Scholars Association.

- Fluent in English, Portuguese and Spanish. Working knowledge in French.

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

**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 and particularly in the area of the mandate. (Please state how this was acquired.)**

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

My work has focused on the implementation of International Human Rights Law, International Criminal Law and International Humanitarian Law by Latin American states. Whether it was supporting CSOs, being a part of the Executive or working at the Constitutional Court, my goal has been to use international standards to increase the protection and respect of human rights, particularly of vulnerable groups.

My J.D. dissertation focused on the impact of the Rome Statute in Colombia. My Ll.M. research focused on the role that the Inter-American Court of Human Rights (IACtHR) had in the prosecution of international crimes in Latin America. My Ph.D. dissertation focuses on how Third World Approaches of International Law could contribute to protect the right of self-determination of Indigenous Peoples in the context of extractive activities.

Since 2014, I have been directed the Human Rights Clinic of the Human Rights Research and Education Centre at the University of Ottawa, supporting public interest litigation efforts before the IACtHR, Supreme and Constitutional Courts in Latin America. We have supported three UN mandate holders with research assistance. These daily interaction with the UN and the Inter-American system has benefited my work, helping me understand the importance of the WG on Mercenaries.

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

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

My competence in the field of human rights has been developed since Law School, as my university allowed me to focus on courses related to International Law, including Moot Court. After Law School, I returned to my home country of Peru. There, I worked with the Andean Commission of Jurists, an independent branch of the International Commission of Jurists, on the implementation of the Rome Statute in the Andean Region, where I provided technical advice to governments on ratification and implementation efforts of such treaty.

Later, I worked in the Constitutional Court and the Ministry of Justice and Human Rights. In both agencies, my task was to incorporate international standards to judgments and laws. This gave me the opportunity to apply Inter-American and UN standards as part of the national policy, like Peru’s National Human Rights Plan.

As director of the Human Rights Clinic, I support litigation efforts in the Inter-American System and provide legal support to our project partners, including UN mandate holders. These different standards and procedures has given me the chance to familiarize with the benefits and limitations of these systems, particularly in the fields of International Criminal Law, Business and Human Rights and access to justice.

1. **PUBLICATIONS OR PUBLIC STATEMENTS**

**Please list significant and relevant published books, articles, journals and reports that the candidate has written or public statements, or pronouncements that the candidate has made or events participated in relation to the mandate.**

* 1. **Enter three publications in relation to the mandate applied for, in the order of relevance:**

**1. Title of publication:** Resource Extraction in Latin America and Human Rights

**Journal/Publisher:** Encyclopedia of Business and Professional Ethics, Springer

**Date of publication:** 2021

**Web link, if available:** https://link.springer.com/referenceworkentry/10.1007/978-3-319-23514-1\_1246-1#springerlink-search

**2. Title of publication:** The rights of indigenous peoples in the jurisprudence of the Inter-American Court of Human Rights: A TWAIL assessment to advance their protection in the Inter-American Human Rights System

**Journal/Publisher:** Chapter in book: "Critical Indigenous Rights Studies", edited by Routledge

**Date of publication:** 2018

**Web link, if available:** https://www.routledge.com/Critical-Indigenous-Rights-Studies/Corradi-Feyter-Desmet-Vanhees/p/book/9780367481353

**3. Title of publication:** PUBLIC INTEREST LITIGATION IN THE INTER-AMERICAN COURT OF HUMAN RIGHTS: THE PROTECTION OF INDIGENOUS PEOPLES AND THE GAP BETWEEN LEGAL VICTORIES AND SOCIAL CHANGE

**Journal/Publisher:** Quebec Journal of International Law

**Date of publication:** 2015

**Web link, if available:** https://www.erudit.org/fr/revues/rqdi/2015-rqdi05162/1067947ar.pdf

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

- "El derecho a la protesta pacífica y la independencia del Poder Judicial: el papel de una judicatura independiente en un escenario pacífico de confrontación social desde la perspectiva de los derechos humanos" with Jordi Feo. Anuario Español de Derecho Internacional, Vol. 37 (2021).

- “La integridad e independencia del Poder Judicial como garantía frente a la amenaza del Crimen Organizado Transnacional” with: Jordi Feo. Relaciones Internacionales. IRI. Universidad de la Plata, 2018.

- “El Derecho Internacional Humanitario como elemento interpretativo de la Convención Americana y el valor probatorio de Comisiones de la Verdad: Comentario al caso Vásquez Durand y otros vs. Ecuador de la Corte Interamericana de Derechos Humanos” In; Revista El Jurista del Fuero Militar Policial del Perú, 2018.

- "El Tratamiento del Terrorismo en la Organización de Estados Americanos y en el Sistema Interamericano de Derechos Humanos". In: Terrorismo y Derecho Penal, Konrad Adenauer, 2015.

- “Las Reparaciones en la Jurisprudencia de la Corte Interamericana de Derechos Humanos” (Remedies Under the Jurisprudence of the Inter-American Court of Human Rights) In: Sistema Interamericano de Protección de los Derechos Humanos y Derecho Penal Internacional- Volumen II. Montevideo: Fundación Konrad Adenauer & Georg-August-Universität-Göttingen, 2011.

* 1. **Enter three public statements or pronouncements made or events that the candidate may have participated in relation to the mandate applied for, in the order of relevance:**

**1. Platform/occasion/event on which public statement/pronouncement made:** Statement Urging Sixth Committee Action on The International Law Commission’s Draft Articles on Prevention and Punishment of Crimes Against Humanity

**Event organizer:** Global Justice Center and Crimes Against Humanity Initiative of the Washington University School of Law

**Date on which public statement/pronouncement made:** 9 November 2021

**Web link, if available:** https://globaljusticecenter.net/files/CrimesAgainstHumanityTreaty\_JointLetter\_Updated2.pdf

**2. Platform/occasion/event on which public statement/pronouncement made:** Hearing before the Inter-American Commission on Human Rights on the impact of Canadian businesses to the enjoyment of human rights

**Event organizer:** Inter-American Commission on Human Rights

**Date on which public statement/pronouncement made:** 7 DEcember 2017

**Web link, if available:** https://www.youtube.com/watch?v=JF8duVRV7-8&list=PL5QlapyOGhXt0BSFvgydHBu6yz2atqEN2&index=7

**3. Platform/occasion/event on which public statement/pronouncement made:** Celebration of the 20 years of the Rome Statute of the International Criminal Court

**Event organizer:** Coalition for the International Criminal Court

**Date on which public statement/pronouncement made:** 27 March 2018

**Web link, if available:** https://www.youtube.com/watch?v=6Rf7IWxSgec&ab\_channel=CoalitionfortheInternationalCriminalCourt

**If more than three, kindly summarize** (200 words limit):Thematic hearing before the Inter-American Commission on Human Rights, titled "Business, Human Rights and right to consultation in the Americas". Presentation made to the members of the Inter-American Commission on 30 March 2015. Link: https://www.youtube.com/watch?v=DGvASYx\_j5c&ab\_channel=Comisi%C3%B3nInteramericanadeDerechosHumanos

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

**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 two country visits per year, drafting reports according to established deadlines, organizing and participating in consultations and meetings, addressing allegations of human rights violations with all concerned, providing advice to States and other stakeholders on issues related to their mandate and engaging with a variety of stakeholders. Kindly indicate whether the candidate can dedicate an estimated time of four to six months per year to the work of a mandate depending on its workload.**

**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 understand the workload and the responsibilities that a member of the UN Working Group must fulfill. Due to my work at the Human Rights Clinic and the Section de Droit Civil, I would be able to allocate the required 4-6 months to fulfill the mandate of the Working Group on Mercenaries. The flexibility and remote work of the Human Rights Clinic and my teaching responsibilities would allow me to accomplish these tasks.

1. **NOMINATION FOR THE MANDATE**

**Indicate whether the candidate has been nominated by (check all that apply):**

[x]  **Individual nominations (indicate this if the candidate is self-nominating)**

**[ ]  Governments**

**[ ]  Regional groups operating within the United Nations human rights systems**

[ ]  **International organizations or their offices**

[ ]  **Non-governmental organizations**

[ ]  **National human rights institutions**

[ ]  **Other human rights bodies**

**Name of the nominating entity and additional information about the nomination (use if applicable, for third-party nominations only)** (200 words limit)**:**

This is an individual nomination.

**III. Motivation Letter, INCLUDING YOUR VISION OF THE MANDATE**(600 word limit. Must be typed in the space below and not sent in a separate email or as an attachment. To be drafted and signed (i.e. with a typed signature) by the candidate himself/herself even if nominated by another entity.)

I respectfully submit my application to the UN Working Group on Mercenaries, as a national of the Latin American and Caribbean states, so that I can contribute increase the awareness and the need for states to adopt specific legislation to prevent the use of mercenaries and private military personnel in activities that may put people’s lives, particularly vulnerable groups, in danger.

In the past years, the WG has released important reports on the impact that mercenaries have on migrants, in extractive industries and humanitarian action, to name a few. These problems are current and we now see how the use of these private actors also undermines electoral processes or access to justice of victims. These problems intersect with the mandate of other UN Special Rapporteurs, Working Groups and Treaty Bodies and I think that my contribution could be to foster these standards at a regional and national level.

For example, in Latin America there is a major problem on how transnational companies hire private military personnel to provide security services. This undermines their neutrality and their constitutional duty to protect civilians and their right to peaceful protest and assembly. Although the WG released a report about this topic in 2019, only a handful of countries in Latin America and the Caribbean have attempted to regulate this practice. In Peru, these agreements between the Police and mining companies are secret. There is no transparency or control as to who is contacted, under what conditions and what benefit the state might even receive from these contracts. This is just a brief example on the possible impact that the work of the WG might have in Latin America and the Caribbean.

My other motivation to submit my application is to foster collaboration between the WG and regional human rights bodies. I believe that cooperation (for example, with the Inter-American Commission on Human Rights) could increase the attention on states and civil society organizations to address the use of mercenaries and how this impacts human rights. I understand that some of the topics addressed by the WG might be new, like cyberspace, but on issues related to gender and victims of mercenaries, collaborating with regional systems could benefit the scope of the report and the precision of the conclusions and recommendations.

As stated in my application, I currently work as director of the Human Rights Clinic of the Human Rights Research and Education Centre at the University of Ottawa. In these past 7 years, I have seen the impact that expert advice from UN Experts or WG could have in public interest litigation. For example, the Inter-American Court case law against Colombia, El Salvador and Peru (to name a few countries), is full of cases regarding the use of paramilitaries, mercenaries and de facto state agents. An active role of the WG on these cases, as expert witnesses, could help the Court assure that there would not be more Grupos Colina or Autodefensas Unidas de Colombia operating with total impunity.

Another good practice that we have used supporting the mandate of the UN Special Rapporteur on the Independence of Judges and Lawyers have been the organization of regional consultations with experts, victims and members of academia to help the research and drafting of the reports due to the Human Rights Council and the General Assembly. If I were elected, I would like to help bring the work of the WG closer to the stakeholders.

In summary, it is a pleasure to submit my application to the WG on Mercenaries and thank you for taking the time to read my application.

Respectfully,

Salvador Herencia Carrasco

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

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

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

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

**V. EDUCATIONAL RECORD**

**NOTE: Please list the candidate’s academic qualifications (university level and higher, indicating the type of degree and field of study, and whether full- or part-time; for example, *Masters in Law, University of XXX, part-time, 1975-1977, city and country)*. If space in the table is insufficient, more than one degree may be listed in a single cell below, separating them by a blank line.**

|  |  |  |
| --- | --- | --- |
| **Name of degree, field of study and name of academic institution, full or part-time:** | **Years of attendance**(provide a range from-to, for example 1999-2003; for ongoing education, please put e.g. 2018-present): | **Place and country:** |
| Ph.D. candidate- Faculty of Postgraduates Studies in Law- University of Ottawa (full-time) | 2014-Spring 2022 | Ottawa, Canada |
| Masters in Law (LL.M.). Faculty of Graduate Studies in Law, University of Ottawa (full-time) | 2009-2010 | Ottawa, Canada |
| Bachelor of Law (J.D). Universidad de Los Andes (Bogota, Colombia), Law School (full-time) | 1997-2002 | Bogota, Colombia |
| Certificate on International, European and Comparative Law. Université Robert Schuman, Faculty of Law, Political Science and Public Administration (full-time) | 2000-2001 | Strasbourg, France |
|       |       |       |

**VI. EMPLOYMENT RECORD**

**NOTE: Please briefly list ALL RELEVANT professional positions held in the area of human rights, beginning with the candidate’s current (most recent) occupation.** **Also, indicate whether positions held were full-time or part-time. If space in the table is insufficient, more than one position may be listed in a single cell below, separating them by a blank line.**

|  |  |  |
| --- | --- | --- |
| **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; for ongoing activities, please put e.g. 2018-present): | **Place and country:** |
| Director of the Human Rights Clinic of the Human Rights Research and Education Centre, University of Ottawa (part-time)  | 2014-present | Ottawa, Canada |
| Part-time Professor of the course on the Inter-American Human Rights System with the Section de Droit Civil at the University of Ottawa  | 2018-present | Ottawa, Canada |
| International Expert for the Administration of Justice Chambers of the Special Jurisdiction for Peace from Colombia, created under the Peace Agreement between the FARC and the state of Colombia (part-time) | 2017-present | Ottawa, Canada (remote) |
| Senior advisor of the Vice-Ministry of Human Rights and Access to Justice of the Ministry of Justice and Human Rights of Peru (full time)  | 2012-2014 | Lima, Peru |
| Member of the Advisory Council of the Justice and Human Rights Commission from the Peruvian Congress (part-time)  | 2012-2016 | Lima, Peru |
| Consultant to the Peruvian Ombudsman’s Office on the Prevention of Social Conflicts (part-time) | 2011 | Lima, Peru |
| Senior jurisdictional advisor- Constitutional Court of Peru (full-time)  | 2008-2009 | Lima, Peru |
| Legal advisor to the Andean Commission of Jurists (full time) | 2003-2008 | Lima, Peru |

**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.**

I do not foresee any conflict of interest in the future, as my professional work focuses on academia, research, education and supporting civil society organizations. My pro bono position with Colombia's Special Jurisdiction for Peace is not equivalent to a decision-making position in Government and it has no conflict with the mandate of the Working Group. In the eventuality that I would be in a situation contemplated in this question, I would immediately communicate the situation to the chairperson of the Working Group and the OHCHR's administrative office for advice and guidance.

**VIII. CERTIFY AND SUBMIT APPLICATION
*To be completed by the candidate. The candidate’s name below should match how it is entered on the first page of the form and in the online survey.***

**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
email (****ohchr-hrcspecialprocedures@un.org****).**

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

**Name:** Salvador Herencia-Carraco

**Date:** 6 December 2021

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1. The short **online survey** 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. The same name, gender and nationality must be used both in the online survey and in the Word application form. [↑](#footnote-ref-1)
2. The **application form in Word format** includes a motivation letter of maximum 600 words (section III of the form). The application form should be completed in English or French only, the two working languages of the United Nations Secretariat. The application form will be used as received to prepare the public list of eligible candidates who applied for the vacancy. The application forms of eligible candidates will also be posted as received on the OHCHR public web page for the selection process. [↑](#footnote-ref-2)