



General Assembly

Distr.: General
16 September 2021

Original: English

Human Rights Council

Forty-eighth session

13 September–1 October 2021

Agenda item 1

Organizational and procedural matters

Election of members of the Human Rights Council Advisory Committee*

Addendum

1. Reference is made to paragraphs 10 and 11 of the note by the Secretary-General on the election of members of the Human Rights Council Advisory Committee (A/HRC/48/84) and the nomination received for the vacancy for African States.
2. By note verbale dated 11 August 2021, Senegal informed the secretariat of the Human Rights Council of the demise of Mr. Cheikh Tidiane Thiam, the candidate nominated by Senegal for the vacancy for African States.
3. In the light of the foregoing, on 17 August 2021, the secretariat addressed a note verbale to the regional coordinator of the Group of African States to encourage proposals of candidates for the vacancy for African States before 30 August 2021.
4. On 3 September 2021, the Permanent Mission of South Africa submitted to the Office of the United Nations High Commissioner for Human Rights the nomination of a new candidate for the vacancy for African States, to be elected by the Human Rights Council at its forty-eighth session.
5. The nomination received is given below; biographical data relating to the candidate are contained in the annex.

African States

Nominating State

Expert nominated

South Africa

Frans Jacobus Viljoen

* The annex to the present document is circulated as received, in the languages of submission only.



Annex**

(English)

Frans Jacobus Viljoen

Director, Centre for Human Rights, Faculty of Law, University of Pretoria, South Africa

I. Educational qualifications

- LLD (University of Pretoria) (African Human Rights Law) (1998)
- MA (University of Pretoria) (Afrikaans Literature) (1993)
- LLM (University of Cambridge) (first class honours) (1990)
- LLB (University of Pretoria) (1987)
- BLC (University of Pretoria) (1985)

II. Summary of professional skills /expertise

I am an admitted advocate of the High Court of South Africa. I have practical legal experience as a public prosecutor in the magistrates' court and as State Advocate at the then Witwatersrand Division of the Supreme Court of South Africa. I have from time to time engaged with legal practice, including appearing in the country's highest court, and I also worked as advisor to the Centre for the Study of AIDS Paralegal Advice Centre, Hammanskraal, Tshwane.

In my work as academic, I have focused on regional human rights protection, with particular attention to the African Court on Human and Peoples' Rights. I acted as founding academic coordinator of the Master's programme in Human Rights and Democratisation in Africa, introduced in 2000, by the Centre for Human Rights, bringing together students from across Africa for postgraduate studies focused on the African regional human rights system. I am the author of one of the leading texts on the African human rights system, *International human rights law in Africa*, published by Oxford University Press in 2007 (first edition) and in a reworked and revised edition (2012). I have researched and published numerous articles and chapters in books on the African human rights system generally, and the African Commission and Court on Human and Peoples' Rights, specifically. I have supervised doctoral theses on different aspects of the African human rights system, including: "The impact of the recommendation of the African Commission on Human and Peoples' Rights" (J Biegon); "State compliance with and influence of reparations orders by international human rights tribunals in five selected African states" (V Ayeni); and "The East African Court of Justice: Towards effective protection of human rights in the East African Economic Community" (A Possi). I am the founding editor of the leading journal on human rights in Africa, the *African Human Rights Law Journal*, and lead the editorial team of the *African Human Rights Yearbook/ Annuaire africain des droits de l'homme*.

As Director of the Centre for Human Rights, I led a number of teams that supported aspects of the mandate of special mechanisms of the African Commission, in particular the Special Rapporteur on the Rights of Women in Africa (through the development of reporting guidelines under the Protocol to the African Charter on the Rights of Women in Africa, and General Comments); and the Special Rapporteur on the Right to Freedom of Expression and Access to Information in Africa (through the development of the Model Law on Access to Information in Africa). I oversaw research and advocacy Units on the rights of children, women, persons with disabilities and on freedom of expression and access to information;

** Curricula vitae are issued without formal editing.

and oversaw the introduction of Master's programmes on "Sexual and Reproductive Rights in Africa" and "Disabilities Rights in Africa". Since 1992, the Centre for Human Rights organises the African Human Rights Moot Court Competition in partnership with a host university, in a different African country each year. Teams of students argue a hypothetical case before benches of law lecturers and human rights experts as if they were before the real African Court on Human and Peoples' Rights.

In 1999, together with Professor Christof Heyns, I conducted a study on the impact of the United Nations human rights treaties on 20 selected countries. At the time of his sad and untimely death earlier this year, we were in the process of completing a follow-up study, to trace the impact in the subsequent 20 years. This study is currently being finalised.

III. Summary of relevant work experience

- Public prosecutor, State Advocate, Witwatersrand Division of the Supreme Court of South Africa (South African Department of Justice) (1988-1991)
- Senior Lecturer, Professor, Department of Legal History, Comparative Law and Legal Philosophy, Faculty of Law, University of Pretoria (1991-1998)
- Head of Department, Department of Legal History, Comparative Law and Legal Philosophy, Faculty of Law, University of Pretoria (2000-2003)
- Professor of Law and Director, Centre for Human Rights, Faculty of Law, University of Pretoria (2007-present; term as Director runs up to the end of 2020)
- Visiting professor on the United Nations and African human rights system at the University of Zimbabwe; Essex University, UK; UPEACE, Costa Rica; Addis Ababa University; Abo Akademi, Finland; University of Oxford, UK; Universidade Eduardo Mondlane, Mozambique; American University, Washington, DC, USA; Paris II, France; and University of San Martin, Argentina

IV. List of (selected) publications

A. Books (monographs)

The impact of the United Nations human rights treaties on the domestic level. Brill, 2021 (with Christof Heyns)

International human rights law in Africa (Oxford University Press, 2007) (670 pages);
International human rights law in Africa (Oxford University Press, second edition, 2012) (622 pages)

B. Edited volume

Transformative constitutionalism: Comparing the apex courts of Brazil, India and South Africa, Pretoria University Law Press, 2013 (co-editor with Vilhena, O and Baxi, U)

Africa and the responsibility to protect: Article 4(h) of the African Union Constitutive Act Routledge 2014 (co-editor with Kuwali, D)

C. Peer-reviewed articles

"The impact of six UN human rights treaties in South Africa" (with C H Heyns) (2001) *SA Public Law* 28-67

"The impact of the United Nations human rights treaties on the domestic level" (with C H Heyns) (2001) 23 *Human Rights Quarterly* 483-535

“State compliance with the recommendations of the African Commission on Human and Peoples' Rights, 1993 - 2004” (2007) 101 *American Journal of International Law* 1-34 (with L Louw)

“An introduction to the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa” (2009) 16 *Washington & Lee Journal of Civil Rights and Social Justice* 11-46

“Amicus curiae participation before regional human rights bodies in Africa” (2014) 58 *Journal of African Law* 22-44 (with A Abebe)

“The right not to be arbitrarily displaced in Africa” (2017) 25 *African Journal of International and Comparative Law* 459-481 (with Adeola, R)

“Inaccessible Apexes: Comparing Access to Regional Human Rights Courts and Commissions in Europe, the Americas and Africa” (2017) *International Journal of Constitutional Law (I-CON)* (with F Hampson & C Martin) (2018)

“Understanding and overcoming obstacles to accessing the African Court on Human and Peoples' Rights” (2018) 67 *International and Comparative Law Quarterly* 63-98

D. Chapters in books

“Review of the African Commission on Human and Peoples' Rights: 21 October 1986 to 1 January 1997” in Heyns C (ed) *Human Rights Law in Africa 1997*, Kluwer Law International (1998) 47-116

“Reflections on the legal protection of indigenous peoples' rights in Africa” in S Dersso (ed) *Perspectives on the rights of minorities and indigenous peoples in Africa* Pretoria: Pretoria University Law Press (2010) 75-94

“Regional institutional and remedial arrangements for the judicial enforcement of economic, social and cultural rights in Africa” in D Chirwa & L Chenwi (eds) *The protection of economic, social and cultural rights in Africa: International, regional and national perspectives* 2016 Cambridge: Cambridge University Press 243-273

“The African human rights system and domestic enforcement” in Langford, M, Rodriguez-Garavito, C & Rossi, J (eds) *Social rights judgments and the politics of compliance* 2017, Cambridge: Cambridge University Press

E. Popular media

“Five reasons why South Africa should not withdraw from the ICC Statute” The Daily Maverick 23 June 2015; “African Commission turns 30, but threats to its independence remain real” *The Conversation* 1 November 2017

V. Languages

- English (fluent)
- French (intermediate level; very good reading competence)
- Portuguese (basic level)

(Français)

Frans Jacobus Viljoen

Directeur, Centre for Human Rights, Faculté de Droit, Université de Pretoria, République d'Afrique du sud

I. Diplômes

- Doctorat en Droit (Université de Pretoria) (recherche sur le système africain des droits de l'homme) (1998)
- Maîtrise en Droit (Université de Cambridge) (première classe) (1990)
- Licence en Droit (Université de Pretoria) (1987)
- BLC (Université de Pretoria) (1985)

II. Résumé des compétences professionnelles/ expertise

J'ai prêté serment comme Avocat de la Cour Suprême de l'Afrique du Sud. J'ai travaillé comme Procureur. Des temps à autres, je preste devant les cours et tribunaux et travaille comme Conseiller juridique au Centre for the Study of AIDS Paralegal Advice Centre, Hammanskraal, Tshwane.

Comme enseignant-chercheur, je me suis focalisé sur la protection des droits de l'homme au niveau régional, avec une attention particulière sur la Commission et la Cour africaine des droits de l'homme et des peuples. Je suis l'auteur d'un des principaux ouvrages sur le système africain des droits de l'homme, *International human rights law in Africa*, publié par Oxford University Press en 2007 (première édition), retravaillée et révisée en (2012). J'ai presté comme premier Responsable académique du Programme de Maîtrise en droits de l'homme et démocratisation en Afrique, mis en place en 2000. Ce programme de troisième cycle réunit les étudiants africains et est axé sur le système régional africain des droits de l'homme. J'ai mené des recherches et publié de nombreux articles dans les revues et des contributions dans les ouvrages collectifs sur le système africain des droits de l'homme mais avec un accent particulier sur la Commission et Cour africaine des droits de l'homme et des peuples. J'ai promu et dirigé les thèses de doctorat sur différents aspects du système africain des droits de l'homme dont: "L'impact des recommandations de la Commission africaine des droits de l'homme et des peuples" (J Biegon); "State compliance with and influence of reparations orders by international human rights tribunals in five selected African states" (V Ayeni); et "The East African Court of Justice: Towards effective protection of human rights in the East African Economic Community" (A Possi). Je suis le Rédacteur en Chef et Initiateur de la principale revue des droits de l'homme en Afrique, l'*African Human Rights Law Journal*, et je dirige l'Equipe de rédaction de l'*Annuaire africain des droits de l'homme / African Human Rights Yearbook*.

En qualité de Directeur du Centre for Human Rights, j'ai supervisé un nombre important d'équipes de chercheurs ayant travaillé sur certains aspects relatifs aux mécanismes spéciaux mis en place au sein de la Commission africaine des droits de l'homme et des peuples, en particulier le Rapporteur spécial sur les droits de la femme en Afrique. Je supervise les départements de recherche et de plaidoyer sur les droits des enfants, des femmes, des personnes vivant avec handicap et sur la liberté d'expression et l'accès à l'information. J'ai en sus piloté la mise en place des programmes de Maîtrise sur les Droits sexuels et reproductifs en Afrique et les Droits des Personnes vivant avec Handicap en Afrique. Depuis 1992, le Centre for Human Rights organise le Concours Africain de Procès Simulé des Droits de l'Homme en partenariat avec une université hôte, chaque année dans différents pays africains. Des équipes d'étudiants plaident un cas hypothétique devant des jurys composés de professeurs de droit et d'experts des droits humains tout comme s'ils avaient été en temps réel devant la Cour Africaine des Droits de l'Homme et des Peuples.

En 1999, conjointement avec le professeur Christof Heyns, j'ai conduit une recherche sur l'impact des traités des droits de l'homme adoptés sous les auspices des Nations unies dans 20 pays que nous avons sélectionnés pour la cause. Au moment de son décès inopiné en début de cette année, Heyns et moi étions en train d'achever une étude dont le but était de retracer l'impact des mêmes instruments juridiques au cours des 20 années qui ont suivi la recherche de 1999. Cette étude est en cours de finalisation.

III. Résumé de l'expérience professionnelle acquise dans le domaine

- Procureur près le Magistrate Court (Tribunal de Première Instance) puis Procureur près la Cour Suprême Sud-africaine (Ministère de la Justice de la République Sud-Africaine) (1988-1990)
- Senior Lecturer puis Professeur au Département d'Histoire du droit, Droit Comparé et Philosophie du droit, Faculté de droit, Université de Pretoria (1991-1998)
- Chef de Département, Département d'Histoire du droit, Droit Comparé et Philosophie du droit (2000-2003)
- Professeur de droit et Directeur, Centre for Human Rights, Faculté de droit, Université de Pretoria (2017-jusqu'à présent, le mandat de Directeur prend fin en décembre 2020)
- Enseignant du système africain des droits de l'homme et du système des droits de l'homme des nations unies à l'Université du Zimbabwe; Université d'Essex, Grande Bretagne; UPEACE, Costa Rica; Université d'Addis Abeba; Abo Akademi, Finlande, Université d'Oxford, Universidade Eduardo Mondlane, Mozambique; Université américaine, Washington, DC, Etats Unis; Paris II, et Université de San Martin, Argentine.

IV. Liste des (quelques) publications

A. Ouvrage (monographie)

The impact of the United Nations human rights treaties on the domestic level. Brill, 2021 (avec Christof Heyns)

International human rights law in Africa (Oxford University Press, 2007) (670 pages); *International human rights law in Africa* (Oxford University Press, second edition, 2012) (622 pages)

B. Ouvrage collectif

Transformative constitutionalism: Comparing the apex courts of Brazil, India and South Africa, Pretoria University Law Press, 2013 (co-dirigé avec Vilhena, Baxi)

Africa and the responsibility to protect: Article 4(h) of the African Union Constitutive Act Routledge 2014 (co-dirigé avec Kuwali, Dan)

C. Les articles relus et examinés par les pairs

"The impact of six UN human rights treaties in South Africa" (avec C H Heyns) (2001) *SA Public Law* 28-67

"The impact of the United Nations human rights treaties on the domestic level" (avec C H Heyns) (2001) 23 *Human Rights Quarterly* 483-535

“State compliance with the recommendations of the African Commission on Human and Peoples' Rights, 1993 - 2004” (2007) 101 *American Journal of International Law* 1-34 (avec L Louw)

“An introduction to the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa” (2009) 16 *Washington & Lee Journal of Civil Rights and Social Justice* 11

“Amicus curiae participation before regional human rights bodies in Africa” (2014) 58 *Journal of African Law* 22-44 (avec A Abebe)

“The right not to be arbitrarily displaced in Africa” (2017) 25 *African Journal of International and Comparative Law* 459-481 (avec Adeola, R)

“Inaccessible Apexes: Comparing Access to Regional Human Rights Courts and Commissions in Europe, the Americas and Africa” (2017) *International Journal of Constitutional Law (I-CON)* (with F Hampson & C Martin) (2018)

“Understanding and overcoming obstacles to accessing the African Court on Human and Peoples' Rights” (2018) 67 *International and Comparative Law Quarterly* 63-98

D. Contributions dans les ouvrages collectifs

“Review of the African Commission on Human and Peoples' Rights: 21 October 1986 to 1 January 1997” in Heyns C (ed) *Human Rights Law in Africa 1997*, Kluwer Law International (1998) 47-116

“Reflections on the legal protection of indigenous peoples' rights in Africa” in S Dersso (ed) *Perspectives on the rights of minorities and indigenous peoples in Africa* Pretoria: Pretoria University Law Press (2010) 75-94

“Regional institutional and remedial arrangements for the judicial enforcement of economic, social and cultural rights in Africa” in D Chirwa & L Chenwi (eds) *The protection of economic, social and cultural rights in Africa: International, regional and national perspectives* 2016 Cambridge: Cambridge University Press 243-273

“The African human rights system and domestic enforcement” in Langford, M, Rodriguez-Garavito, C & Rossi, J (eds) *Social rights judgments and the politics of compliance* 2017, Cambridge: Cambridge University Press

E. Article de presse

“Five reasons why South Africa should not withdraw from the ICC Statute” *The Daily Maverick* 23 June 2015; “African Commission turns 30, but threats to its independence remain real” *The Conversation* 1 November 2017

V. Languages

- Anglais
- Français - intermédiaire
- Portugais - élémentaire