

## SECOND PART: APPLICATION FORM IN WORD

### Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity [HRC res. 32/2]

*Appointments of mandate holders to be made at the 33<sup>rd</sup> session of the Human Rights Council (13 – 30 September 2016)*

#### 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** (<http://ohchr-survey.unog.ch/index.php/227377?lang=en>) 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/HRC33.aspx> by clicking on the mandate. It should be fully 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 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 email). A maximum of up to three reference letters (optional) can be attached in Word or pdf format to the email 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>**

- **APPLICATION DEADLINE: 04 AUGUST 2016 (12 NOON 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>

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

**You 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 email.**

**Thank you for your interest in the work of the Human Rights Council.**

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#### I. PERSONAL DATA

<b>1. Family name:</b> Viljoen	<b>6. Year of birth:</b> 1963
<b>2. First name:</b> Frans	<b>7. Place of birth:</b> Nelspruit, South Africa
<b>3. Maiden name (if any):</b> N/A	<b>8. Nationality (please indicate the nationality that will appear on the public list of candidates):</b> South African
<b>4. Middle name:</b> Jacobus	<b>9. Any other nationality:</b> N/A
<b>5. Sex:</b> <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	

#### 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.)**

Educational qualifications: After completing a basic degree in Law (LLB) at the University of Pretoria and a Master's degree in Law (LLM) at the University of Cambridge, I completed the degree LLD (doctorate in law) (University of Pretoria) on the topic "Supranational human rights protection through international institutions in Africa".

Professional experience: The candidate acted as teacher and trainer in formal and informal human rights programmes, including acting as facilitator of a joint dialogue between the African Commission on Human and Peoples' Rights (African Commission), Inter-American Commission on Human Rights, and United Nations (UN) human rights mechanisms in Banjul, The Gambia, on 3 November 2015.

Communications skills: The candidate has an excellent command of written and oral English, as illustrated in my academic writing and professional work. He has a relatively good but imperfect command of French, having undertaken formal studies towards French (a first year course at the University of South Africa) and subsequently used it in his professional engagement in the field of human rights across the African continent. He can read French with ease.

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#### **2. 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.)**

Knowledge of international human rights law: The candidate obtained a solid understanding of human rights law as part of his LLB and LLM studies, and focuses on international human rights law in his doctoral research, which explored supranational human rights protection in Africa. He has conducted research on the impact of the UN human rights treaty bodies, and various aspects of regional human rights protection. Proven human rights work experience: The candidate is primarily an academic researching and teaching in the field of international human rights law. He has developed the academic contents and for many years served as academic coordinator of the Centre's flagship Master's programme in Human and Rights and Democratisation in Africa. He developed and taught on the LLM/ MPhil (Multidisciplinary Human Rights) and the LLM/ MPhil (Sexual and Reproductive Rights in Africa). In the latter programme, he developed and teaches a module on the rights of LGBT persons. He has worked with various mandate holders of the African Commission on Human and Peoples' Rights (African Commission), for example in developing a Model Law on Access to Information.

#### **3. ESTABLISHED COMPETENCE (200 words)**

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

The candidate presented educational and training courses on international human rights law at various institutions, including the Foundation (Institute) for International Human Rights Law, Strasbourg; the Inter-European Institute, Venice, Italy; Abo Akademi, Finland; Master's in Women's Law, University of Zimbabwe; Essex University, UK; UPEACE, Costa Rica; Addis Ababa University; Advanced Academy of International Human Rights Law, Abo Akademi, Finland; Master's in International Human Rights Law, University of Oxford; Universidade Eduardo Mondlane, Mozambique; University of San Martin, Argentina.

The candidate represented the complainant (Garreth Prince) in the first communication submitted against the South African government to the African Commission on Human and Peoples' Rights, and to the UN Human Rights Committee. His research, together with that of Master's students, culminated in cases being presented to AU human rights bodies, including the case of Senegalese Talibés v Senegal. Under his directorship, the

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Centre submitted a number of amicus curiae briefs and a request for an advisory opinion, concerning the interpretation of the AU Constitutive Act to the African Court on Human and Peoples' Rights.

#### 4. PUBLICATIONS OR PUBLIC STATEMENTS

**Please list-significant 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.**

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

**1. Title of publication:** Towards non-discrimination on the basis of sexual orientation: The normative basis and procedural possibilities before the African Commission on Human and Peoples' Rights and the AU (with R Murray)

**Journal/Publisher:** Human Rights Quarterly

**Date of publication:** 2007

**Web link, if available:**

**2. Title of publication:** International human rights law in Africa

**Journal/Publisher:** Oxford University Press

**Date of publication:** 2012

**Web link, if available:**

**3. Title of publication:** Norms, case law and practices of sexual orientation and gender identity in the African in 'Ending violence and other human rights violations based on sexual orientation and gender identity

**Journal/Publisher:** in report: Ending violence ... : A joint dialogue of the African and Inter-American Human Rights Commissions and UN agencies on violence and SOGI

**Date of publication:** 2016

**Web link, if available:**

<http://www.chr.up.ac.za/images/files/documents/smr/books/Ending%20violence%20and%20other%20human%20rights%20violations%20based%20on%20sexual%20orientation%20and%20gender%20identity.pdf>

**If more than three publications, kindly summarize (200 words):** The candidate's main focus has fallen on human rights in the African regional human rights system. He has published one of the leading monographs (with a section dealing with "sexual minority rights") and numerous journal articles on the African regional human rights system. A distinct feature of his writing is the relationship between the national and the global, the need for further standard-setting, and comparison between regional human rights systems, as exemplified in the following: 'The feasibility and desirability of an African disability rights treaty: Further norm-elaboration or firmer norm-

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implementation?' South African Journal on Human Rights (2014) 30(2) 345 (with J Biegon); and 'An argument for South Africa's accession to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights in the light of its importance and implications' (2014) 17(6) Potchefstroom Electronic Law Journal 2557 (with N Orago). Work on special procedures include "The Special Rapporteur on Prisons and Conditions of Detention in Africa: Achievements and possibilities" (2005) 27 Human Rights Quarterly 125; and on the UN, eg "The impact of the United Nations human rights treaties on the domestic level" (with C H Heyns) (2001) 23 Human Rights Quarterly 483; "Fact-finding by UN human rights complaints bodies" (2004) 8 Max Planck Yearbook of United Nations Law 49.

#### **4.2 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:**

Expert Lecture Series, University of Pretoria; lecture: Equal rights in a time of homophobia: An argument for equal legal protection of 'sexual minorities' in Africa

**Event organizer:** University of Pretoria

**Date on which public statement/pronouncement made:** June 2013

**Web link, if available:** <https://www.youtube.com/watch?v=iVsibKY3f7U>

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

Facilitator / interventions at joint dialogue between African and Inter-American Human Rights Commissions and UN agencies on violence based on SOGI

**Event organizer:** OHCHR; UNAIDS

**Date on which public statement/pronouncement made:** 3 November 2015

**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):**

**5. 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.)**

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The candidate has for the last almost nine years served as the Director of the Centre for Human Rights, University of Pretoria, but will stand down from this position at the end of 2016. He will subsequently take up his position as Professor of International Human Rights Law in the Centre for Human Rights, without his current responsibilities for fund-raising, financial oversight and management of the Centre and its 20 staff members. His work as Professor of Law allows a certain degree of flexibility, and the Faculty of Law and the University of Pretoria have shown themselves to be accommodating the demands on such mandate holders in the past. In any event, the candidate is planning to take a period of sabbatical leave, totalling twelve months, over 2017 and 2018. As such, he will be able to devote at least three months over the next three years to the work of the mandate.

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### **III. MOTIVATION LETTER (600 word limit)**

I contend that I may be considered a suitable candidate for the position of Independent Expert.

The mandate requires a solid human rights background. I have an extensive academic background in international human rights law, and hold a doctorate focusing on the African regional human rights system. I have spent the last fifteen years or so in human rights education, research and advocacy. One of my areas of interest is comparative regional human rights systems.

The mandate requires excellent research and writing skills, focused on international human rights. I have conducted research -- and published monographs and journal articles -- on various aspects of international human rights, including the impact of the UN human rights treaties and African regional human rights system at the domestic level; human rights standard-setting; and the rights of minorities (indigenous peoples; LGBTI persons). These publications include a leading text on the African regional human rights system, *International human rights law in Africa* (Oxford University Press, second edition, 2012). I am editor-in-chief of the *African Human Rights Law Journal*.

The mandate calls for someone deeply cognisant of recent human rights theory and practice. I am a professor in International Human Rights Law and Director of the Centre for Human Rights (Centre) in the Faculty of Law at the University of Pretoria. Since 2007, when I became the Director, the Centre has developed projects focusing on the rights of persons with disabilities, indigenous peoples, people living with HIV, gender, sexual and reproductive rights, as well as the justiciability of socio-economic rights. It has in 2012, received the Human Rights Prize of the African Union's Commission on Human and Peoples' Rights for the promotion and protection of human rights in Africa.

The mandate requires experience and willingness to collaborate. I have collaborated and am well linked into international human rights networks. In Africa, the Centre and I personally, collaborate with numerous partner law faculties. Beyond Africa, I worked with colleagues and civil society organisations in Brazil and India, comparing constitutionalism in the three countries, and am currently engaged with a joint research project with the Universities of Bristol and Essex on the implementation of human rights decisions.

The mandate calls for a specific interest and acute understanding of SOGI-related issues. I have done research and published on this thematic issue. Under my Directorship, the Centre initiated a week-long pan-African-focused course on "Sexual Minority Rights in Africa", dealing with LGBTI rights in an African context; and established an LGBTI Unit. On ground level, I am, as a member of the Board of a South African NGO working in this field (OUT LGBT Well-being), familiar with issues affecting LGBTI persons. Under my Directorship, the Centre launched a new Masters programme, on Sexual and Reproductive Rights, comprising a module on SOGI related issues. In



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2015, I acted as facilitator of a dialogue between the African and Inter-American Commissions and relevant UN agencies on violence based on SOGI, and oversaw the research and publication of the report, titled 'Ending violence and other human rights violations based on sexual orientation and gender identity'.

Based on my experience, I would see the aim as achieving progress incrementally. It would be desirable at the outset to involve a broad range of stakeholders to assist in identifying priorities, and ensure comprehensive buy-in. Possible initial focal areas could include building a coalition in order to establish and maintain an all-encompassing and reliable database on instances of violence and discrimination. An ancillary focus could be to identify and share best case examples, eg of states that have managed to address violence and discrimination despite societal obstacles. The mandate should use a multi-disciplinary approach, involving relevant experts to understand the root causes of SOGI-based violence and discrimination.



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

**Please indicate all language skills below.**

**1. Mother tongue: Afrikaans**

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

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

**Read:** Easily or Not 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:

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**V. EDUCATIONAL RECORD**

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

<b>Name of degree and name of academic institution:</b>	<b>Years of attendance</b> (provide a range from-to, for example 1999-2003):	<b>Place and country:</b>
LLB (University of Pretoria)	1984-1987	Pretoria, South Africa
MA (University of Pretoria)	1992-1993	Pretoria, South Africa
LLM (University of Cambridge)	1989-1990	Cambridge, South Africa
LLD (University of Pretoria)	1995-, 1998	Pretoria, South Africa

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**VI. EMPLOYMENT RECORD**

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

<b>Name of employer, functional title, main functions of position:</b>	<b>Years of work</b> (provide a range from-to, for example 1999-2005):	<b>Place and country:</b>
Centre for Human Rights, University of Pretoria, Director and Professor of International Human Rights Law	2007-present	Pretoria, South Africa
Department of Jurisprudence, Faculty of Law, University of Pretoria, Head of Department and Professor of Law	2000-2004	Pretoria, South Africa
Department of Jurisprudence, Faculty of Law, University of Pretoria, Senior Lecturer/Professor of Law	1991-1998	Pretoria, South Africa
Department of Justice, Prosecutor/ Senior Advocate	1988-1990	Johannesburg, South Africa

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**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 his/her behalf.*

**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.**

N/A

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