



Elections 2016

Committee on the Rights of Persons with Disabilities (CRPD)

Committee on the Elimination of Discrimination Against Women (CEDAW)

Human Rights Committee (HRCttee)

Committee on the Rights of the Child (CRC)

Questionnaire for candidates

Four UN Treaty Bodies (Committee on the Rights of Persons with Disabilities (CRPD), Committee on the Elimination of Discrimination Against Women (CEDAW), Human Rights Committee (HRCttee) and Committee on the Rights of the Child (CRC)) will have elections organised in June 2016.

In order to ensure the strengthening of the treaty body membership by promoting a merit-based and transparent elections process, Child Rights Connect, IWRAW Asia-Pacific and the Centre for Civil and Political Rights have launched a joint initiative to enable all States and other stakeholders to better understand the skills and experiences of the current candidates running for election to CEDAW, HRCttee and the CRC.

This questionnaire is part of this joint initiative; it is sent to all nominated candidates and is based on the criteria set forth in the relevant treaty. It echoes a similar questionnaire prepared by the International Disability Alliance (IDA) and submitted to the candidates running for election to the CRPD.

The responses to both questionnaires will be available on the website www.untbelections.org. The responses will also be shared with all UN Member States.

This initiative does not imply that we support or oppose any individual candidates.

Open questionnaire to all candidates

Generic section

1. Name: **Christof Heyns**

2. Nationality: **South African**

3. Current position: **Professor of Human Rights Law, University of Pretoria/ UN Special Rapporteur on extrajudicial, summary or arbitrary executions (till July 2016)**

4. a. Are you currently holding any position on behalf of, or for, your Government? If so, please give details: **N/A**

4. b. Have you held any position on behalf of, or for, your Government? May any of your previous positions compromise your actual or perceived independence and impartiality? If so, please give details: **N/A**

4. c. Please indicate any current or potential conflict of interest that may prevent you from exercising independence and impartiality in your work as a member of a UN treaty body. **N/A**

5. What was the nomination process for your candidacy? Was civil society consulted?

I informed the South African Department of International Relations and Cooperation that I would be interested, once my Special Procedures mandate has expired in 2016, to be considered for a treaty body position. I received an email from them asking whether I would make myself available for election to the Human Rights Committee.

6.a. UN languages spoken fluently: **English**

6.b. Level of English: **Fluent**

7. Link to your full resume: <http://www.icla.up.ac.za/about/staff/9-about-us/38-christof-heyns-co-director>

8. Please summarise your experience relevant to this position (100 words):

Academic career:

- **Degrees in law and in philosophy at Pretoria, Yale, and the Witwatersrand; research fellowships at Harvard and Heidelberg;**
- **Teach human rights law in Pretoria since the 1980s, and at Oxford and the Washington College of Law, American University, Washington D.C. since the 2000s;**
- **Academic books and articles in leading international journals.**

United Nations:

- **Served as UN Special Rapporteur on extrajudicial, summary or arbitrary executions (2010 – 2016);**
- **UN Independent Investigation on Burundi (chair) (2015 – 2016);**

- **Leader of the study on *The impact of the UN human rights treaties on the domestic level* in 20 countries for the High Commissioner for Human Rights (2000).**

Regional:

- **Consultant to the African Commission on Human and Peoples' Rights;**
- **Consultant to the UN during the process of setting up the ASEAN human rights system**

South Africa:

Member and later Director of the Centre for Human Rights, University of Pretoria, a leading South African university-based NGO, which played an active role in opposing apartheid and provided technical advice during the transition process.

9. During your possible service as a Committee member, what other positions or professional activities do you intend to engage in?

I plan to continue to teach human rights law in Pretoria, Oxford and Washington, and will take up new teaching assignments in Geneva and Budapest as from 2016/2017. I hope to continue to provide technical assistance to the African Union structures and to individual African states.

I plan to expand the South African Schools Human Rights Moot Court Competition to reach all children in the schools of the country, and to revitalise a programme that involves students in the physical renovation of the schools of the country.

Treaty-specific section:

International Covenant on Civil and Political Rights (ICCPR)

Please provide responses that are as precise as possible and in no more than 200 words per question.

1. Why do you want to be a member of the Human Rights Committee?

I have gained valuable experience in the UN system in the areas of special procedures (as Special Rapporteur) and international investigations (Burundi). In both cases this was a very positive experience. I am interested now to see how the treaty system works from the inside and how I can contribute towards its work. While I have a broad foundation in human rights, my recent experience has been mostly in civil and political rights. It is in this area that I think I can make my strongest contribution.

The global human rights project faces many challenges, and needs to respond to the changing times in creative ways to remain relevant. I have always sought innovative ways to engage with the human rights project, and as Special Rapporteur I had the opportunity to place cutting-edge issues on the agenda and to find novel ways to take the cause forward, for example by reaching out to other actors in the field in the UN and regional systems. The Human Rights Committee plays a pivotal role and I would be keen to contribute towards its continued responsiveness and ultimately impact. In particular I hope to contribute towards the renewal and continuing relevance of this important body.

2. What are your specific areas of expertise in relation to the ICCPR? Please provide examples as appropriate. In particular, please specify if you have any expertise or knowledge in handling individual complaints/communications

My UN mandate as Special Rapporteur dealt specifically with the protection of the right to life as set out in article 6 of the ICCPR. Holding the mandate involved doing thematic studies on cutting edge issues in this field (such as armed drones, the proper management of demonstrations, and domestic legislation on the use of force by law enforcement officials). I also worked on the intersection of this right with other rights such as peaceful assembly (in a report commissioned by the Human Rights Council entitled 'Practical recommendations on the management of demonstrations') and freedom of expression (in a report to the Council on the protection of journalists).

The mandate entails extensive engagement with individual communications and during the last six years I have lodged numerous urgent appeals or allegation letters to a wide range of States, based on complaints received from victims or NGOs. I also filed *amicus curiae* briefs in cases in a number of domestic courts and before the Inter-American Court of Human Rights as well as the African Commission on Human and Peoples' Rights.

I was closely involved with the development of the African Commission's General Comment on the right to life in 2015, and in that context have also engaged with the UN Human Rights Committee's current process to write a General Comment on the same topic.

3. What do you think are the emerging issues and challenges in the implementation of the ICCPR? Please provide 1-2 examples.

New technology poses new challenges to the rights covered by the ICCPR, which affect issues such as the protection of privacy and also personal security. Technology can take the form of new surveillance equipment, but also new weapons and means of force delivery. These are seldom clear-cut issues, and in some cases there are also clear opportunities, including in the field of human rights fact-finding and, subject to some constraints, the use of less lethal weapons.

At the same time, long-standing questions such as how to deal with the interplay between local values and global aspirations, and the interplay between State and human security, continue to require constant and sensitive attention.

The effective protection of those on whose work human rights depend – such as human rights defenders and journalists – needs to be high on the agenda.

4. What do you think are the challenges in the implementation of the ICCPR at the national level (for example normative, legal, structural, ideological or cultural)? Please provide 1-2 examples.

As alluded to earlier, the need to navigate the co-existence of the universalistic aspirations of international human rights and the need to accommodate local value systems in a nuanced way remains of great relevance. There is a danger that the forces of globalisation will dislodge human rights from its foundations in the lived, daily reality of people, which is the basis of its long-term sustainability. At the same time the authority of human rights lies in their global application. It is in this context that I believe in the increased relevance of regional human rights systems, alongside the global system, to provide a platform from where the local and the global can meet.

5. State parties to the ICCPR are required to take steps to implement the Covenant. How do you propose that the Committee should help guide States in the effective implementation of Covenant standards?

General Comments as well as detailed and concrete, practical concluding recommendations play an important role in this regard. Better communication of the work of the Committee to actors outside the system – on the regional as well as local level - is required.

The Committee is not geared to play a direct role in providing technical assistance to States in undertaking law reform, but I have seen in the Special Procedures context that as someone working in the UN rights system you have the ability to spot opportunities for legal and other reform and to ask experts to make themselves available to assist with such reforms.

6. What can the Committee do to further strengthen its engagement with other stakeholders including National Human Rights Institutions (NHRI), members of Parliament, judicial actors, civil society and UN agencies?

This is a topic that I addressed in some detail in the 2000 study on the impact of the UN treaty bodies on the national level, referenced in the answer to generic question 8 above. Among other things, the study highlighted the important role of National Human Rights Institutions and those involved in drafting constitutional amendments and other legislation.

On a different front, regional systems play an increasingly active role in the interpretation of human rights, including civil and political rights. This is to be welcomed, but to ensure the retention of the coherence of the system it is also important, that there be more cross-fertilisation and engagement between the UN and the regional systems. There is a similar need for more contact and collaboration between the treaty bodies and between the treaty bodies and the other UN human rights bodies and agencies, while at the same time retaining institutional independence.

For example, in my work as a special procedures mandate holder I had what I thought was a mutually beneficial relationship with bodies such as the World Health Organisation and the Office of Drugs and Crime, in the area of violence reduction, and similar opportunities can be explored in other contexts.

7. How do you see the Human Rights Committee strengthening the domestic and international environment for holding business/private actors responsible for violations under the Covenant?

The starting point is the responsibility for human rights violations carried by States. In engaging with States, for example in communications and concluding observations on State reports, the Human Rights Committee should stress the obligation on States also to protect individuals against infringements of their rights by non-state actors. This includes individuals, corporations, and non-state armed groups. This is relevant in contexts such as extractive industries, private security and also organised crime. The proper investigation of and accountability for crimes against individuals forms an integral part of this process.

In my last recent report to the Human Rights Council (June 2016) I explore ways to develop the legal framework further to hold private security providers accountable without diminishing the emphasis on the role of States.