

Questionnaire for Candidates to the Committee against Torture (CAT)

1. Name:

LIU Huawen

2. Nationality:

China

3. Current position:

Member, the UN Committee against Torture

Vice Director, Institute of International Law, Chinese Academy of Social Sciences

Chief-Editor, Chinese Yearbook of International Law, China Society of International Law

4. The CAT and GA resolution 68/268 require experts to possess “recognized competence in the field of human rights” and “in particular in the field covered by the relevant treaty”, including to give consideration to the usefulness of “some persons having legal experience” (article 17). Please explain how you qualify as an expert.

I am an international law expert and especially international human rights law. Having published several books on international law and human rights including the studies on the UN core human rights treaties, the Palermo Protocol against human trafficking and numerous papers and articles on human rights, I also hold editorial roles for international law journals and used to serve as Vice President of Asian Society for International Law (ASIL).

I was legal adviser for some UN, Sina-EU, Chinese human rights projects in China and used to participated in a litigation before the Inter-American Court of Human Rights as expert invited by Peru. I am active in teaching and advocating human rights in and outside China. Travelling a lot in Europe, Asian, African and Latin America, I try to bridge peoples and cultures and promote human rights around the world. I conducted visiting researches in Norway, Sweden and the Netherlands and teach in University of Argentina.

Having served as a member of the CAT Committee for almost 6 years, I have accumulated relevant experience for dialogues with both delegates of the State parties and the NGO representatives, and the skills for examination of the individual complaints based upon Article 22 of the Convention against Torture. I believe that all States and its people should be heard carefully. During the past years, I have realized that in order to face the

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challenges for implementation of the Convention, both developed and developing States should take unlimited efforts to strengthen the legal system and update measures to modernize the judicial and social system to resolve the problems and enhance the prevention and prohibition of torture and other ill-treatment. In particular I have found that it is crucial to find the loopholes of the domestic laws and policies and identify the vulnerable and neglected groups and survivors of crimes and to adopt more measures to improve the situation. Gradually, I have developed my capacity and methodology for the work of the Committee.

- 5. According to the Addis Ababa Guidelines, “Treaty body members shall not only be independent and impartial, but shall also be seen by a reasonable observer to be so”. Do you have any experience or affiliation that could be considered a real or perceived conflict of interest (e.g. holding a position within or on behalf of your country’s government)? If so, how do you intend to address it, to ensure full independence and impartiality in the exercise of the functions?**

The Guidelines and the principles are crucially significant. Based upon the truth and facts and in accordance with the law and rules, bearing in mind the purposes and mandates of the Committee, I try to consider and choose the best way to conduct the work of the Committee and ensure full independence and impartiality.

I am completely aware that though the candidate is nominated by the State party of the Convention against Torture, she or he is an independent expert to serve the Convention and the international society. There are also general international law and other UN rules for the UN expert to abide by for the proper performance of duties. Being objective, impartial, diligent and professional is always the behavior standard for the elected expert. I do not hold any governmental position with conflict of interest, and I will continue to stick to the Addis Ababa Guidelines if elected.

- 6. If elected, how will your professional commitments enable you to dedicate the necessary time and attention to perform your duties effectively, both during and between sessions?**

Due to the liquidity crisis faced by the UN, there is more limited time for the formal sessions, it means both the necessity to improve the efficiency of the Committee and the enlarged homework between the sessions. It is part-time work for the elected experts. I am a scholar, therefore have sufficient time to serve the functions of the Committee. Professionalism in the field of international law and working experiences within the treaty body are conducive to my effective performance of the duties in the Committee.

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- 7. In your view, what is the role of civil society, National Human Rights Institutions (NHRIs), and National Preventive Mechanisms (NPMs), in engaging with the Committee in relation to its mandated functions? In your opinion, how can the voices and experiences of survivors of torture and other ill-treatment be meaningfully considered in the Committee's functions and working methods?**

Practice has shown that civil society members, National Human Rights Institutions, and National Preventive Mechanisms, play an irreplaceable role in the work of treaty bodies. This is not merely an abstract principle but involves concrete, detailed, and meaningful practical processes. Broad and full participation is the foundation and guarantee of high-quality dialogue on State report reviews. Now, the intervention of the third party to individual communication is also more foreseeable.

We must advocate for a new culture of human rights, particularly a survivor-centered approach. This entails a transformation in criminal justice philosophy, as well as reforms and restructuring of legal systems. Torture and other forms of ill-treatment undermine normal social order and, more gravely, violate individual dignity and basic human rights, causing extensive physical, psychological, and social harm. The concept of restorative justice should be established, and the trauma suffered by victims and their relatives must be addressed through compensation, reparation, and rehabilitation.

We fight torture by ensuring that perpetrators are brought to justice, held strictly accountable, and impunity is prevented, while simultaneously protecting survivors and the whole society to achieve comprehensive and thorough justice.