



The Law Society
of England and Wales



CHINA

Mid-term Report – Review of the implementation of recommendations with respect to the rule of law, the role and rights of lawyers and access to justice by the People's Republic of China during its Fourth UPR Cycle

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About the organisations

The Law Society of England and Wales ('Law Society') is the professional body representing over 200,000 lawyers in England and Wales. Its purpose is to promote and support members of the legal profession, as well as to defend the rule of law and independence of the legal profession around the world.

Lawyers for Lawyers (L4L) is an independent, non-political, and not-for-profit lawyers' organization established in 1986. Our mission is to promote the independent functioning of lawyers and the legal profession across the world in accordance with internationally recognized norms and standards. Our work to support lawyers who are at risk as a result of discharging their professional duties, seeks to protect them from threats, risks and reprisals, strengthens their international recognition and protection in laws, policies and practices, and empower them to fulfil their role as essential agents of the administration of Justice. Lawyers for Lawyers was granted special consultative status with the UN Economic and Social Council in July 2013.

Lawyers' Rights Watch Canada (LRWC), founded in 2000, is a Canadian organization of lawyers and other human rights defenders who promote the implementation of international law and standards designed to protect the independence and security of lawyers and human rights defenders around the world. LRWC produces legal analyses of national and international laws and standards relevant to human rights violations against lawyers and human rights defenders. LRWC has held special consultative status with ECOSOC since 2005.

The **International Bar Association's Human Rights Institute (IBAHRI)**, established in 1995 under the honorary presidency of the Nelson Mandela, works with the global legal community and partner civil society organisations to promote and protect human rights and the independence of the legal profession worldwide. The IBAHRI is a substantively autonomous entity within the International Bar Association, the world's leading organisation of international legal practitioners, bar associations and law societies, with over 80,000 individual lawyers, and 190 bar associations and law societies across more than 160 countries. Under the IBAHRI's By-Laws, the Institute is governed by an independent Council and is under the Directorship of Baroness Helena Kennedy LT KC.

Asian Lawyers Network (ALN) was founded in 2021 as a network of lawyers and activists around the world that advocates for the rights of lawyers and legal activists around the world that advocates for the rights of lawyers and legal activists throughout the Asia region that are subject to arbitrary detention, sanction, and harassment for their legal advocacy, as well as for strengthening standards of protection for lawyers and for civil political rights generally.

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1 Introduction

1. The Law Society of England and Wales, Lawyers for Lawyers, Lawyers' Rights Watch Canada, the International Bar Association's Human Rights Institute and Asian Lawyers Network (hereinafter the 'signatory organisations') submit this report to address the implementation of recommendations with respect to the rule of law, the role and rights of lawyers and access to justice by the People's Republic of China during its Fourth Cycle of the Universal Periodic Review ('the UPR').
2. At the end of the Fourth Cycle of the UPR, the People's Republic of China (China) supported eight recommendations pertaining to the rule of law, fair trial rights, access to justice and the role and rights of lawyers.
3. This mid-term report examines the extent to which China has implemented these recommendations two years after accepting them. In doing so, the report contains an overview of the accepted recommendations, discusses the importance of implementing effective mechanisms to protect the rights of lawyers and the rule of law in China and the Hong Kong Special Administrative Region (Hong Kong), and outlines China's persistent practices that undermine the rule of law, fail to protect fair trial rights and access to justice, and continue to subject lawyers to harassment, surveillance, arbitrary prosecutions, unfair trials, arbitrary deprivation of liberty, travel bans, incommunicado detention, enforced disappearance, forced exile, transnational repression, torture and other forms of ill-treatment, simply for doing their job.
4. This submission refers to China's obligations under customary international law, the Universal Declaration of Human Rights ('UDHR'), the International Covenant on Civil and Political Rights ('ICCPR')¹ which China signed on 5 October 1998², the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment ('CAT') which China ratified on 4 October 1988, and the United Nations ('UN') Basic Principles on the Role of Lawyers ('Basic Principles').³

¹The ICCPR was extended to Hong Kong by the United Kingdom on 20 May 1976. Article 39 of the Hong Kong Basic Law states: "The provisions of the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and international labour conventions as applied to Hong Kong shall remain in force and shall be implemented through the laws of the Hong Kong Special Administrative Region. The rights and freedoms enjoyed by Hong Kong residents shall not be restricted unless as prescribed by law. Such restrictions shall not contravene the provisions of the preceding paragraph of this Article.", See <https://www.basiclaw.gov.hk/en/basiclaw/index.html>, accessed 25 August 2026.

² Although China has signed and not ratified the treaty, in accordance with the Vienna Convention on the Law of Treaties, 23 May 1969, in force on 27 January 1980, states in Article 18 that when a State signs a treaty it is "obliged to refrain from acts which would defeat the object and purpose of a treaty."

³ The UN Basic Principles on the Role of Lawyers (1990) provide a concise description of international norms relating to the key aspects of the right to independent counsel. The Basic Principles were unanimously adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Havana, Cuba on 7 September 1990. Subsequently, the UN General Assembly "welcomed" the Basic Principles in their 'Human rights in the administration of justice' resolution, which was adopted without a vote on 18 December 1990 in both the session of the Third Committee and the plenary session of the General Assembly.

5. This report draws on a combination of desk research, information provided by stakeholders, including lawyers' organisations working on China and Hong Kong, informal interviews and meetings with affected lawyers and other members of the legal profession, and discussions with representatives of government, the judiciary and other institutions.

2 Summary of UPR recommendations

6. During the Fourth Cycle of the UPR, China received 428 recommendations, twenty-seven of which concerned the rule of law, fair trial rights, access to justice and the rights of lawyers.
7. These included recommendations to protect lawyers from interference, harassment, intimidation, threats, arbitrary arrest and detention; to ensure transparent legal procedures, stronger fair trial guarantees and access to legal aid; promote respect for the rule of law; and to reform, repeal, or properly implement the National Security Law in Hong Kong in accordance with international human rights standards, as well as address the use of Residential Surveillance at a Designated Location (RSDL) and enforced disappearance of lawyers. Of these twenty-seven recommendations, eight were supported by China.⁴
8. Of these, China accepted as already implemented the following:
 - *Guarantee transparent legal procedures, including fair trials, access to legal representatives of defendant's choosing and prompt notifications to families (22.137 - Japan).*
 - *Restore full respect for the rule of law and civil society and political rights in Hong Kong (22.135 - Germany).*⁵
 - *Take measures to prevent the harassment, intimidation and targeting of civil society members, journalists, human rights defenders, and lawyers (22.163 - Greece).*
 - (a) China accepted the above as being implemented.⁶
 - *Guarantee the protection of human rights lawyers against any form of harassment, violence or attempts to impede or interfere with the defence of their clients, in accordance with international law" (22.134 - Finland)*
 - *Ensure that human rights defenders, journalists and lawyers, including in Hong Kong, are not targeted for exercising their freedoms of*

⁴ A/HRC/56/6/Add.1

⁵ In the Addendum, China added that "The Hong Kong Special Administrative Region of China always comprehensively abides by human rights protection requirements of the Basic Law of Hong Kong and relevant provisions of other international conventions applicable to Hong Kong and enforces earnestly through local laws relevant provisions of the International Covenant on Civil and Political Rights. The implementation of the Law on Safeguarding National Security in the Hong Kong Special Administrative Region has restored order in Hong Kong, consolidated the rule of law, protected the lives and property of people in Hong Kong, and enabled them to again enjoy their legitimate rights and freedom. See *Ibid.*, pg. 2

⁶ In the Addendum, China expressed the view that: "The Chinese government protects all citizens in accordance with the law from harassment, intimidation or attack. This reply does not affect the consistent position of the Chinese government on "human rights defenders." China's law protects the lawful rights of all citizens as equals. This also applies to other recommendations concerning "human rights defenders." *Ibid.*

expression, association and peaceful assembly in line with international human rights law” (22.170 - Liechtenstein).⁷

9. In addition, China accepted the following recommendations:
 - *Continue to strengthen the development of a culture of the rule of law in society and carry out publicity and education on the rule of law” (22.133 - Ethiopia).*
 - *Continue to reinforce the protection of lawyers’ rights to practise (22.136 - Hungary).*
 - *Prevent attempts to interpret national security laws as justification to target human rights defenders, journalists and other media workers outside the country” (22.115 - Lithuania).*
10. While the submitting organisations welcome China’s support of these recommendations, two years on, we remain concerned that these recommendations have not been properly implemented, even where China has supported them as already having been implemented. As outlined below, our organisations have been informed that China continues to undermine the rule of law, fair trial rights and access to justice, and lawyers continue to be subjected to harassment, surveillance, arbitrary arrest and detention, illegitimate prosecution, incommunicado detention, enforced disappearance, and torture and other forms of ill-treatment, simply for doing their job.

3 The rule of law, fair trial rights and access to justice

11. Despite China’s supporting four recommendations relating to the rule of law, fair trial trials, and access to justice (22.137, 22.133, 22.135, 22.163) our organisations are aware of several ongoing practices and issues that show these have not been implemented at the time of writing.

3.1 Denial of fair trial rights and access to justice

12. Lawyers in China continue to report difficulties with accessing their clients in detention, especially in sensitive cases. Lawyers are regularly prevented from meeting with clients, and in some cases, they have no access to appropriate information, files, and documents within sufficient time to provide effective legal assistance to their clients. The UN Basic Principles on the Role of Lawyers (hereinafter, the Basic Principles) set out that states must “*ensure lawyers access to appropriate information, files and documents in their possession or control in sufficient time to enable lawyers to provide effective legal assistance to their clients. Such access should be provided at the earliest appropriate time*”.⁸
13. Our organisations are also aware of non-compliance with the right to legal counsel of one’s own choosing. The right to legal assistance by counsel of one’s own choosing in criminal proceedings is recognised as a component of the fair trial

⁷ In the Addendum, China stated that “*China protects its citizens’ freedom of speech, association and assembly in accordance with the law, and deals with violations in accordance with the law.*”, Ibid.

⁸ OHCHR, Principle 21 of the UN Basic Principles on the Role of Lawyers (1990), accessed 29 June 2026: <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-role-lawyers>

guarantees under Article 14(3) of the ICCPR. This right is also enshrined in the Basic Principles which provide that all persons, including lawyers, are entitled to assistance of a lawyer of their choice. The authorities also have an obligation to inform such persons of their right to a lawyer of choice.⁹

14. We are also gravely concerned about reports that lawyers continue to be arbitrarily arrested, detained and prosecuted as a result of their professional duties and face denial of their fair trial rights. Our organisations are aware of lawyers being subjected to RSDL and prolonged pre-trial detention, subjected to closed or secret trials, and tortured in detention (evidenced in case studies below and in section 4 on the rights and role of lawyers).
15. China is obligated to protect the right to a fair trial under article 10 of the UDHR¹⁰ and article 14 of the ICCPR¹¹. The practices outlined above violate this obligation, denying lawyers and others in the country an independent and impartial tribunal, public hearing, their right to be informed of the charges against them, and an adequate defence.
16. Notably, China either noted or rejected all recommendations that referenced RSDL in the Fourth Cycle of the UPR and added that: *"Residential surveillance at a designated location is a non-custodial measure prescribed by the Chinese law with the aim to ensure the smooth conduct of criminal proceedings. Chinese judicial organs and law enforcement agencies operate in accordance with laws and regulations. There is no such issue of "enforced disappearance."*¹²
17. China's practice of using RSDL (further discussed in the cases studies and section 4 below, has been widely criticised as being incompatible with fair trial guarantees and as creating a serious risk of unfair trials, as well as torture and other ill-treatment while in detention, in violation of China's obligations under international customary law and the UNCAT.¹³ In 2018, ten UN Special Procedures issued a joint letter of allegation, classifying the use of RSDL as "analogous to incommunicado and secret detention and tantamount to enforced disappearance; they expose those subjected to RSDL to the risk of torture and other inhuman and degrading treatment and other human rights violations."¹⁴ In the same letter, the Special Procedures highlight that where the detainee is accused of endangering national security, as many lawyers held in RSDL are, have the right to appoint a legal counsel, and following this, the investigation body has the discretionary power to grant or not permission for their defence counsel to meet them. Reportedly, this permission is routinely denied.¹⁵

⁹ Ibid., Principle 1

¹⁰ Universal Declaration of Human Rights (1948), Article 10, accessed 29 June 2026: <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

¹¹ International Covenant on Civil and Political Rights (1966), Article 14, accessed 29 June 2026: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

¹² A/HRC/56/6/Add.1, pg. 4.

¹³ Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (10 December 1984), accessed 29 June 2026: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading>

¹⁴ OL CHN 15/2018, (24 August 2018), pg. 2, accessed 29 June 2026: <https://safeguarddefenders.com/sites/default/files/wp-rsdl/uploads/2018/10/Joint-Letter-OL-CHN-152018.pdf>

¹⁵ Ibid., pg. 3

3.1.1 Case studies:

Xie Yang

18. Human rights lawyer Xie Yang is known for representing activists arrested during the 2011 "Jasmine Crackdown"¹⁶, the 2013 New Citizen's Movement¹⁷ and the response to the Hong Kong's pro-democracy protests in 2014.¹⁸ He has faced multiple reprisals in retaliation for his legitimate and peaceful human rights work (outlined in section 4.1), including facing an unfair trial following his most recent arrest in January 2022.
19. Xie Yang's trial proceedings have been marred by multiple fair trial rights violations. In addition to denying him access to a lawyer of his choice for months, on 11 April 2023, a pre-trial hearing was convened without Xie Yang's own lawyer. At another pre-trial meeting on 2 September 2024, Xie Yang's lawyer was denied access to his case files. At the same meeting, his lawyer requested the recusal of members of the Changsha judicial committee who were officials from the city's Communist Party and administration, who were involved in Xie's previous detention, and the recusal of the presiding judge. After an exceedingly long pre-trial detention (3.5 years), on 30 July 2025, the Changsha Intermediate Court tried Xie Yang behind closed doors. The authorities failed to notify one of his lawyers about the hearing. On 28 July 2025 at a pre-trial meeting his other lawyer was not allowed to copy case files to be used as evidence. The case files had been marked as confidential even though they did not have a "secret" classification marking.

Xu Zhiyong and Ding Jiayi

20. Human rights lawyer and legal scholar Dr Xu Zhiyong was arrested on 15 February 2020 by police officers from Beijing Municipal Police Security Bureau. Dr Xu was denied access to his family and lawyers for four months at this time, during which he was subjected to torture and other ill-treatment. Dr Xu was chained to a chair, deprived of sleep and given little food and water for 10 days. As a result, his health deteriorated quickly.
21. On 26 December 2019, lawyer Ding Jiayi was taken into custody without an arrest warrant as part of a crackdown targeting lawyers and human rights defenders. He was held incommunicado in "residential surveillance at a designated location" for six months. During this time, he was subjected to torture and other ill-treatment, including sleep deprivation, loud noise harassment, prolonged interrogation, being bound to an iron "tiger chair" for up to seven days at a time, and a lack of adequate

¹⁶ Amnesty International, China's 'Jasmine' activists, (5 May 2011), accessed 28 August 2026: <https://www.amnesty.org/en/latest/news/2011/05/china-jasmine-activists/>

¹⁷ Amnesty International, China: Hypocritical crackdown on anti-corruption campaigners, (21 January 2014), accessed 28 August 2026: <https://www.amnesty.org/en/latest/press-release/2014/01/china-hypocritical-crackdown-anti-corruption-campaigners/#:~:text=Zhao%20Changqing%20and%20Hou%20Xin,is%20still%20to%20be%20announced.&text=According%20to%20the%20organization%20Chinese,to%20share%20and%20coordinate%20work.>

¹⁸ Jonathan Kaiman, Hong Kong's umbrella revolution - the Guardian briefing, The Guardian, (30 September 2014), accessed 28 August 2026: <https://www.theguardian.com/world/2014/sep/30/sp-hong-kong-umbrella-revolution-pro-democracy-protests>

food and hygiene facilities. On 19 June 2020, he was formally arrested on the charge of “inciting subversion of state power” (later changed to “subverting state power”) and transported to Linshu County Detention Centre, where he continued to suffer physical and psychological abuse.

22. Ding Jiaxi was denied access to legal representation for more than a year on the grounds of “endangering national security.” In early 2021, he was allowed to meet with his lawyers for the first time by video call, but they were obliged to sign confidentiality agreements prohibiting them from speaking about his case and were also subjected to pressure and surveillance by authorities.
23. Between 22 and 24 June 2022, Dr Xu and Ding Jiaxi were subject to a closed trial at the Linshu County Court, in Shandong province, reportedly on the charge of ‘subversion of state power’. On 10 April 2023, Ding Jiaxi was sentenced to 12 years in prison and on 11 April 2023 Dr Xu was sentenced to 14 years in prison.
24. On 24 November 2023, the Shandong Provincial High Court upheld the first-instance verdict and sentence against Ding Jiaxi. It is reported that the High Court did not hold any hearings during the appeal process and prevented Ding Jiaxi’s defence lawyers from entering the courthouse when the decision was announced. The court has also prohibited Ding Jiaxi’s lawyers from providing his family with the text of the appeal verdict based on a “confidentiality agreement” that the lawyers were forced to sign. This illustrates a troubling trend for lawyers in China to be forced to sign confidentiality agreements, preventing them from publishing documents relating to the verdict and revealing details of the charges and trial.
25. During detention, Dr Xu started a hunger strike on 4 October 2024 to call attention to the inhumane treatment he has been subjected to in prison. We were informed that Dr Xu is held in a cell with three other detainees who have been instructed by prison guards to monitor and torment him, even when he is using the toilet. In the prison, he is only referred to as “prisoner No. 003”, rather than his real name. His family have been granted access to visit him once a month. However, they have experienced threats and harassment which has prevented them from visiting. Furthermore, authorities have refused to deliver his letters to his family or his girlfriend Li Qiaochu and have not permitted him to contact them by phone.

3.2 National Security Law in Hong Kong

26. During Hong Kong’s fourth cycle UPR, stakeholder submissions raised concerns that the National Security Law (NSL)¹⁹ has fundamentally reshaped the territory’s civic, political and legal landscape. Stakeholders noted that it has been used to restrict freedom of expression, association and peaceful assembly; and undermine access to effective remedies and fair trial guarantees.²⁰
27. In the Fourth Cycle of the UPR, China accepted as already implemented recommendation 22.135 to restore full respect for the rule of law and civil society

¹⁹ Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region, accessed 29 June 2026: http://eng.mod.gov.cn/2025xb/M/L_251592/16415113.html

²⁰ (OHCHR), *Summary of Stakeholders’ Submissions on China*, UPR Working Group, Forty-Fifth Session, UN Doc. A/HRC/WG.6/45/CHN/3, 20 November 2023, paras. 59-68

and political rights in Hong Kong. China added that *"The implementation of the Law on Safeguarding National Security in the Hong Kong Special Administrative Region has restored order in Hong Kong, consolidated the rule of law, protected the lives and property of people in Hong Kong, and enabled them to again enjoy their legitimate rights and freedom"*²¹

28. It is important to note that the only recommendation that referenced the NSL supported by China specifically pertains to those outside of China and Hong Kong. All other recommendations that referenced abolishing, repealing, or implementing the NSL in accordance with international human rights standards were either noted or rejected by China.
29. Notably, in their rejection of recommendations 22.31, 22.154, and 22.181, China stated that *"Countries have the right and obligation to safeguard its own national security, as it is with China's enactment of the Law on Safeguarding National Security in the Hong Kong Special Administrative Region. The Basic Law of Hong Kong and relevant provisions applicable to Hong Kong in international treaties including the International Covenant on Civil and Political Rights were fully taken into account in the legislative process of the law."*²²
30. While our organisations recognise that countries have the right to safeguard their own national security, we are concerned that the NSL goes beyond this right, especially due to its overly vague and broad definition, and instead threatens the rule of law, erodes fair trial rights, and is used as a tool to repress dissent and violate fundamental freedoms for those in Hong Kong and beyond. Our organisations therefore maintain that the recommendation to restore full respect for the rule of law in Hong Kong has not been implemented.
31. The NSL, formulated by China's National People's Congress and passed without any formal public consultation, criminalised any act of secession, subversion, terrorism, and collusion with foreign forces in Hong Kong. It is seen as a considerable restriction of Hong Kong's autonomy from China, giving the Chinese government the power to intervene and shape public life in Hong Kong much more than ever before, and arguably eroding the "one country, two systems" framework. Its introduction triggered protests that resulted in the arrest of hundreds of activists and opposition lawmakers.²³
32. Several provisions of the NSL undermine the right to a fair trial and access to justice:
- The crimes of secession (Article 20), subversion (Article 22), terrorism (Article 24), and collusion with foreign powers (Article 29), which carry maximum sentences of life imprisonment, are broad and vaguely defined, particularly in terms of what constitutes a grave or minor offence.
 - Restrictions on defence counsel on the grounds of secrecy (Article 18) may not be compatible with a defendant's right to prepare an adequate defence.

²¹ A/HRC/56/6/Add.1, pg. 2.

²² Ibid.

²³ Amnesty International, Hong Kong: National Security Law has created a human rights emergency, (30 June 2021), accessed 29 June 2026: <https://www.amnesty.org/en/latest/press-release/2021/06/hong-kong-national-security-law-has-created-a-human-rights-emergency/>

- The Office for Safeguarding National Security has wide discretion to assume jurisdiction over certain cases (Article 17) and its decisions are not subject to review by the Hong Kong courts.
- Cases under the law may only be heard by judges who are on a list designated by the Chief Executive of Hong Kong (Article 44). Judges can be removed from that list if their actions or statements are deemed to endanger national security. The Secretary of Justice can issue a certificate determining that a trial shall be held without a jury (Article 46), making this a decision by the executive rather than the judiciary itself.
- In certain cases, courts are under an obligation to obtain a certificate from the Chief Executive of Hong Kong to determine whether an act involves national security (Article 47). The width of this provision and the absence of safeguards also undermine the principle of separation of powers.
- The principal body with jurisdiction to interpret the NSL is the Standing Committee of the National People's Congress of the PRC (Article 65), which is a political rather than a judicial body.

33. Furthermore, the law has a broadly worded extra-territorial application for actions committed by persons who are not residents in Hong Kong (Article 38). Article 38 sets out that anyone, regardless of nationality or residency, can be prosecuted for acts committed in Hong Kong. Importantly, the NSL defines an act as having been committed inside Hong Kong so long as the consequences are felt in the territory. Furthermore, Article 37 outlines that individuals or companies who are permanent residents of Hong Kong could be prosecuted for actions outside of Hong Kong even if no consequences are felt in the city. In response to the introduction of the NSL, many countries have suspended their extradition agreements with Hong Kong, including the UK, US, Canada, Australia, and Germany.²⁴

34. It is important to note that extraterritorial jurisdiction in some form is widely accepted in international law. The principle of objective territoriality is the right to exercise jurisdiction over acts occurring outside the territory, if those acts have effects within the territory.²⁵ This principle is well established and broadly accepted across jurisdictions, developed by the findings of the *Lotus* case heard at the International Court of Justice in 1927.²⁶ However, the NSL's extraterritorial application on actions such as exercising one's freedom of expression that are not generally considered as criminal across the majority of jurisdictions, is a major departure from this norm.

35. Our organisations believe that this extra-territorial application is incompatible with China's support of recommendation 22.115, which calls on the state to prevent

²⁴ Lily Kuo, The Guardian, China halts Hong Kong extradition treaties with Canada, Australia and UK, (28 July 2020), accessed 28 July 2026: <https://www.theguardian.com/world/2020/jul/28/china-halts-hong-kong-extradition-treaties-with-canada-australia-uk>; BBC, Hong Kong: US suspends extradition treaty over national security law, (20 August 2020), accessed 29 June 2026: <https://www.bbc.co.uk/news/world-asia-china-53844263>; Politico, Germany suspends extradition agreement with Hong Kong, (31 July 2020), accessed 29 June 2026: <https://www.politico.eu/article/germany-suspends-extradition-agreement-with-hong-kong/>

²⁵ Anthony J. Colangelo, What is Extraterritorial Jurisdiction, (2014), 99 Cornell L. Rev. 1303, 1312-14, accessed 29 June

2026: <https://scholarship.law.cornell.edu/cgi/viewcontent.cgi?article=4640&context=clr>

²⁶ S.S. *Lotus* (Fr. v. Turk.), 1927 P.C.I.J. (ser. A) No. 10 (Sept. 7), accessed 29 June 2026: https://www.worldcourts.com/pcij/eng/decisions/1927.09.07_lotus.htm

attempts to interpret national security laws as justification to target human rights defenders, journalists, and other media workers outside the country.

36. As outlined in the 'transnational repression' section 4.4 below, our organisations are aware that the NSL is being used to target those outside of Hong Kong, as can be seen in the targeting of Hong Kong lawyers who are no longer in the country through the issuance of international bounties. The broad extra-territorial application also poses the risk that the NSL will be used to target lawyers, human rights defenders and others who are not Hong Kong nationals or residents who are outspoken about their concerns with the rule of law and human rights in Hong Kong, in a departure from the accepted international norms.
37. Our organisations have received reports that lawyers face a range of practical barriers in representing their clients effectively in NSL cases, including:
- Limited or unsuitable facilities to meet privately with their clients.
 - Mass trials, which limit lawyers' ability to provide focused, independent, and effective representation to their clients.
 - A failure for defendants to be informed of the charges they are facing.
 - Delays in the production of documents and the withholding of evidence.
 - A reliance by judges on national security concerns to deny the right to call and examine witnesses.
 - Increased security around court buildings and defendants, which can intimidate individuals and interfere with lawyers' ability to consult with their clients.
 - In addition to these challenges, with a limited number of lawyers willing to take on NSL cases, those that do face large caseloads and many years on trial proceedings.

3.2.1 Ability to ban foreign lawyers working on national security cases

38. On 10 May 2023, Hong Kong's Legislative Council unanimously passed a legal amendment to the Legal Practitioners Ordinance (LPO), which gives power to the Chief Executive to ban foreign lawyers working on national security cases.
39. With the amendment to the LPO, the courts no longer make the final determination. The Chief Executive must issue a certificate allowing participation, shifting authority decisively from the judiciary to the executive.
40. This amendment enshrined in law a ruling from China's National People's Congress Standing Committee (NPCSC) in December 2022, that Hong Kong courts must get the approval of the Chief Executive before admitting a foreign lawyer for cases brought under the NSL. We are gravely concerned that this will result in a defendants' right to receive legal representation of their choosing in Hong Kong will be seriously impinged.
41. This development followed from an unsuccessful appeal by the Department of Justice to prevent British lawyer Timothy Owen from defending his client, Jimmy Lai in national security proceedings. After the Hong Kong courts permitted Owen's admission and the Government's appeal was unsuccessful, the Chief Executive requested an interpretation of the NSL from the NPCSC to clarify its stance on foreign lawyers. The resulting interpretation formed the basis for the subsequent legislative amendments.

3.2.2 Developments since the Fourth Periodic Review

3.2.2.1 Article 23 Legislation

42. On 23 March 2024, the Hong Kong government enacted a new security law known as The Basic Law Article 23 Legislation: Safeguarding National Security Bill (Article 23 legislation).
43. The Article 23 legislation introduced a range of new national security offences, including expanded sedition-related offences, external interference, theft of state secrets, and espionage, significantly broadening the national security framework established under the NSL. The combined operation of the NSL and Article 23 legislation has further expanded the scope of conduct subject to criminal sanction, raising concerns regarding compliance with international human rights standards relating to legal certainty, freedom of expression, and freedom of association.
44. Of particular concern is the breadth of several offences introduced under Article 23. The offence of "external interference", for example, may be engaged where conduct is deemed to have influenced or interfered with public affairs through cooperation with external actors and resulted in specified consequences, including economic or financial impacts. The broad drafting of these provisions creates uncertainty regarding the scope of lawful advocacy, reporting, and engagement with international actors, including legal professionals.
45. In addition, the expanded national security framework has created additional risks for lawyers engaged in advising clients on matters that may be characterised as implicating national security interests. Our organisations have been informed of concerns regarding the potential effect of these measures on the provision of independent and unimpeded legal advice. Concerns have likewise been raised regarding the collection, transfer, and handling of evidence in cross-border matters, particularly where cooperation with overseas counsel or offices may intersect with national security restrictions.
46. Furthermore, the NSL and Article 23 legislation have been used to criminalise the freedom of expression and assembly of lawyers in Hong Kong, evidenced in the arbitrary detention, solitary confinement, and ongoing prosecution of renowned human rights barrister Chow Hang-tung (see case study below). The UN Basic Principles provide that lawyers shall be entitled to freedom of expression, belief, association and assembly, including the right to take part in public discussions on legal and human rights issues and to join or form local, national and international organisations without suffering professional restrictions by reason of their lawful activities.²⁷

3.2.2.2 Case study

Chow Hang-tung

47. Chow Hang-tung is a human rights barrister and former vice-chairperson of the now-disbanded Hong Kong Alliance in Support of Patriotic Democratic Movements of China. For 30 years, the group organised peaceful annual vigils in Hong Kong to remember those killed in the 1989 Tiananmen crackdown in Beijing. Authorities

²⁷ OHCHR, Principle 23 of the UN Basic Principles on the Role of Lawyers (1990).

banned the vigils in 2020 citing corona-virus restrictions, though many observers view the ban as part of a broader effort to silence dissent marked also by the introduction of the NSL.

48. Since the NSL's introduction, Chow Hang-tung has been subjected to extensive harassment, multiple arrests, prolonged pre-trial detention, and periods of solitary confinement by the authorities for her legitimate human rights work. The timeline of these actions is as follows:

- Ms Hang-tung was initially arrested on 4 June 2021 for "promoting an unauthorised assembly" on the 32nd anniversary of the protests. She was released on bail the next day, before being arrested again on 30 June 2021. She was granted bail again on 5 August 2021 but was re-arrested on 8 September 2021 after the Hong Kong Alliance rejected a demand by police to surrender information regarding allegations that the Alliance was an "agent of foreign forces". On 9 September, Ms Hang-tung was charged alongside colleagues Albert Ho and Lee Cheuk Yan with "inciting subversion of state power" under the NSL. The court rejected her bail application, and on 13 December, she was sentenced to 12 months imprisonment for her involvement in planning the 2020 vigil.
- On 4 January 2022, she was sentenced to further 15 months for her role in planning the 2021 vigil. On 14 December 2022, Ms Hang-tung won an appeal to overturn the 15-month sentence, with the court deeming the police ban unlawful.²⁸ Despite having served her initial 12-month sentence, she was not released and in 2023 the UN Working Group on Arbitrary Detention determined her detention to be arbitrary.²⁹ During this period, the government appealed the appeal court's decision and Ms Hang-tung's acquittal was overturned on 25 January 2024.
- In 2024, the government enacted further national security legislation under Article 23, 'Safeguarding National Security Ordinance'. Chow Hang-tung was among the first to be targeted under this law³⁰, arrested on 28 May 2024 for social media posts regarding a "sensitive date", the Tiananmen Square anniversary that the authorities deemed as "inciting hatred" against Beijing.

49. Our organisations are concerned that Chow Hang-tung's detention and charges are related to exercising her right to freedom of expression and professional duties as a lawyer. We believe that the charges against her lack legitimacy as they based on unlawful ban on the freedom of assembly designed to silence dissent, rendering her arrest and detention arbitrary.

²⁸ DW Asia, Hong Kong court says police wrong to ban Tiananmen vigil, (14 December 2022), accessed 27 June 2026: <https://www.dw.com/en/hong-kong-court-says-police-wrong-to-ban-tiananmen-vigil/a-64091868>

²⁹ OMCT, Hong Kong Should Immediately Release Chow Hang-tung and Lee Cheuk-yan, (12 December 2025), accessed 27 June 2026: <https://www.omct.org/en/resources/statements/hong-kong-should-immediately-release-chow-hang-tung-and-lee-cheuk-yan#:~:text=We,%20the%20undersigned%20legal%20and,months%20after%20their%20initial%20arrest.>

³⁰ BBC News, Hong Kong arrests six for sedition under new law, (28 May 2024), accessed 27 June 2026: <https://www.bbc.co.uk/news/articles/c2qq47qdqwl0>

50. Chow Hang-tung spent more than four years in pre-trial detention before her trial finally began on 22 January 2026. As a barrister, she represented herself³¹ and pleaded not guilty to all charges. She persistently applies for bail and to lift media restrictions on her case, resisting the secrecy around national security cases. On 21 August 2026, she was convicted on charges of incitement to subversion, facing up to 10 years in prison. At the time of writing, a date for sentencing has not been confirmed.
51. Reports outline that Chow Hang-tung is currently, or was previously, subjected to unlawful and prolonged solitary confinement. Our organisations have been informed that she often faces these periods of solitary confinement following the exercise of her freedom of expression, such as drafting an acceptance statement for the CCBE Human Rights Award and undertaking a hunger strike to commemorate the Tiananmen crackdown while in detention.
52. We are concerned that solitary confinement is being used as a reprisal, punishing Chow Hang-tung for exercising her right to freedom of expression and for her legitimate work as a lawyer representing herself. Hong Kong's Prison Rules allow two forms of solitary confinement. Rule 63 permits up to 28 days as punishment for disciplinary offences. Rule 68B allows administrative isolation for up to one month for unclear reasons. Both fall short of international human rights standards. Unlawful use of prolonged solitary confinement can amount to torture and is prohibited by the UNCAT to which China is a party and to the ICCPR, to which China is a signatory. In 2016, the UN Committee against Torture urged the Hong Kong authorities to reduce the maximum length of solitary confinement and limit its use.³²

3.2.2.3 2026 expansion of NSL implementation rules

53. On 21 March 2026, new amendments to the implementation rules of the NSL came into force. This gives police and customs officials broader powers to seize items that they deem to "have seditious intention" even without an arrest, and police may seize, access and decrypt phones, laptops, or tablets without a court warrant, based solely on suspicion of "seditious intention." This bylaw was announced by the city's leader bypassing the city's legislative council, although the authorities deny any irregularity.
54. This raises several concerns:
 - Although law enforcement officials in many jurisdictions have the authority to demand access to electronic devices as part of criminal investigations, the NSL covers a sweeping range of vaguely defined offences from secession, subversion, terrorism, and collusion with external forces.
 - The definition of "seditious intention" covers, among other things, inducing hatred against the government or inciting non-compliance with the law. Sedition offences have been held by the UN as contrary to the right to freedom of expression because they stifle legitimate expression and criticism of the state.

³¹ French, Spanish and Italian delegations, Joint Nomination CCBE Award 2023 Hang Tung CHOW, (2023), accessed 27 June 2026: <https://protect-lawyers.org/wp-content/uploads/CCBE-AWARD-2023-Eng.pdf>

³²UNCAT, Concluding observations on the fifth periodic report of China with respect to Hong Kong, China, (3 February 2016), accessed 27 June 2026: <https://digitallibrary.un.org/record/857892?ln=en&v=pdf>

- Furthermore, any restrictions to freedom of expression must comply with international standards typically requiring intent to cause imminent violent disorder, a requirement that is expressly absent from the definition of the offence of seditious intention.
- The powers could be misused to interfere with the principle of legal professional privilege and risk eroding the right to privacy, weakening due process safeguards, and expanding state surveillance.

4 The role and rights of lawyers

55. Lawyers globally play a crucial role in upholding the rule of law, through safeguarding access to justice, challenging abuses of power, protecting the rights of individuals, and promoting an independent legal profession. In recognition of this role, the UN Basic Principles outline several guarantees for the functioning of lawyers including being able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference³³ and not being identified with their clients or their clients' causes.³⁴ As stated above, lawyers also have specific protections regarding their freedom of expression in recognition of their important role.

56. In the fourth UPR cycle, China supported four recommendations for the state to ensure that lawyers are not subjected to harassment, intimidation or interference or targeted for exercising their freedom of expression or assembly. However, our organisations are aware that lawyers continue to be subjected to harassment, arrest, arbitrary detention and prosecution, unfair trials, forced exile, transnational repression, incommunicado detention, enforced disappearance, torture, and other forms of ill-treatment, simply for conducting their professional duties.

57. On 9 July 2015, a large-scale targeting of Chinese lawyers, legal assistants and human rights defenders began, known as the '709 Crackdown'. Over three hundred individuals were summoned and questioned during this national crackdown, and in this initial phase 15 lawyers were arrested and detained.³⁵ The crackdown specifically targeted lawyers whose work and speech challenged official narratives and exposed human rights violations. The effects of '709' are still being felt in 2026 and go beyond the lawyers themselves, with families of targeted lawyers also facing harassment, leading to a loss of housing and jobs, restrictions on children's education, surveillance and travel bans. Notably, lawyer Gao Zhisheng has been forcibly disappeared since August 2017³⁶, and lawyer Ding Jiaxi, first targeted in the crackdown, received a 12-year prison sentence in 2023, just for attending a private gathering with other lawyers. As Mary Lawlor, UN Special Rapporteur on the situation of human rights defenders states "[s]ince the so-called '709 crackdown'

³³ Ibid., Principle 16

³⁴ Ibid., Principle 18

³⁵ Business & Human Rights Resource Centre, China: More than 300 rights lawyers detained in nationwide crackdown, including lawyers who handled cases on corporate abuses; at least face formal charges (2017), accessed 29 August 2025: <https://www.business-humanrights.org/en/latest-news/china-more-than-300-rights-lawyers-detained-in-nationwide-crackdown-including-lawyers-who-handled-cases-on-corporate-abuses-at-least-6-face-formal-charges/>

³⁶ Lawyers for Lawyers, Prolonged enforced disappearance of human rights lawyer Gao Zhisheng, (22 April 2025), accessed 28 June 2026: <https://www.lawyersforlawyers.org/prolonged-enforced-disappearance-of-human-rights-lawyer-gao-zhisheng/>

began on 9 July 2015, the profession of human rights lawyer has been effectively criminalised in China.”³⁷

58. Although the exact number is unknown, current figures indicate that at least seven lawyers are wrongfully imprisoned or disappeared in China as a result of their legitimate legal work: Ding Jiayi, Gao Zhisheng, Hao Jinson, Xie Yang, Xu Zhiyong, Zhang Wenpeng and Zhang Zhan (see case studies below).
59. In Hong Kong, in addition to Chow Hang-tung, the National Security Law has also led to the detention or imprisonment of other legal professionals in the ‘Hong Kong 47’ case. This includes the sentencing of barrister Alvin Yeung Ngok-kiu, the former leader of the liberal Civic Party and a member of the Legislative Council of Hong Kong, for his alleged involvement in an unofficial primary election in July 2020 to choose candidates to stand on the city’s legislative council.³⁸
60. It is important to note that all recommendations given to China during the Fourth Cycle of the UPR that referenced arbitrary arrest and detention, the use of RSDL, and enforced disappearance of lawyers were either noted or rejected by China, with the state claiming there is “no such issue of ‘enforced disappearance.’”³⁹
61. Despite China’s claims that harassment of lawyers, including arbitrary arrest and detention, the use of RSDL and enforced disappearance, is not an issue in China, our organisations maintain that lawyers continue to be subjected to an array of these violations as outlined in the case studies below.

4.1 Case studies:

Lu Siwei

62. Lu Siwei is a prominent human rights lawyer, known for representing clients in politically sensitive cases, who has been targeted, disbarred, arrested, prosecuted and allegedly tortured while in detention.
63. In January 2021, Lu Siwei was disbarred for online speech that allegedly ‘endangered national security’ and was subjected to an exit ban in May 2021. On 28 July 2023, Lu Siwei was arrested by police in Laos while boarding a train for Thailand. He had fled China, with the intention of flying from Thailand to the United States to reunite with his family. Lu Siwei remained in an unknown place of detention, without access to his lawyers, his family, or any other person of his choice, for over a month, in violation of the ICCPR, before being forcibly repatriated to China.⁴⁰ This occurred despite calls from UN experts for his immediate release and for Laos to respect its obligations under international human rights law, specifically the principle of non-

³⁷ UN News, China undermining human rights by locking up rights lawyers, UN independent expert says (2020), accessed 29 August 2025: <https://news.un.org/en/story/2020/12/1080242>

³⁸ Victoria Basham, The Global Legal Post, Lawyers among 45 pro-democracy activists sentenced to prison by Hong Kong court, (20 November 2024), accessed 28 June 2026: <https://www.globallegalpost.com/news/lawyers-among-45-pro-democracy-activists-sentenced-to-prison-by-hong-kong-court-1048395777>

³⁹ Ibid.

⁴⁰ Forum-Asia, [Statement] Laos: Immediately release lawyer Lu Siwei and ensure his safety, (28 August 2023), accessed 28 June 2026: <https://forum-asia.org/statement-laos-immediately-release-lawyer-lu-siwei-and-ensure-his-safety/>

refoulement which guarantees that no one should be returned to a country where they would in danger of being subjected to torture, cruel, inhuman or degrading treatment or punishment, enforced disappearance, or other irreparable harm.⁴¹

64. On 10 October 2024, Lu Siwei was taken from his home by police officers from Chenghua Branch of the Chengdu City Public Security Bureau in Chengdu, Sichuan province. We were informed that, on 14 October 2024, Chenghua District Procuratorate issued a formal arrest warrant for Lu Siwei, accusing him of "illegally crossing the border."
65. While Lu Siwei was in detention, he was visited by his lawyer on 14 and 24 February 2025. After these visits, Lu Siwei's wife reported several issues surrounding Lu Siwei's health and detainment conditions that are gravely concerning. It was reported that his psoriasis was worsening after not receiving proper treatment. In addition, the detention centre does not allow imported medicine, forcing Lu Siwei to rely on domestic medicine that has limited effectiveness in treating his thyroid disease. Further, the food in the detention centre was described as extremely basic, consisting only of boiled cabbage, which has exacerbated his thyroid condition and digestive issues. It has been reported that Lu Siwei was being held in a cell of about twenty square meters with twenty-seven other detainees, before being moved to a room of similar size with thirty-two other detainees. The conditions he was being held in prevent him from getting adequate sleep, contributing to his deteriorating health.
66. On 18 April 2025, after a prolonged period of pre-trial detention, the Chenghua District Court sentenced Lu Siwei to 11 months in prison and imposed a fine of 10,000 yuan (approximately \$1,370) for the alleged offence of 'illegally crossing the border'. The proceedings were conducted behind closed doors, raising serious concerns regarding the fairness of the trial and Lu Siwei's due process rights under international law.
67. Lu Siwei was released from prison in August 2025. However, he remains under strict surveillance and is subject to a travel ban, limiting his movement and preventing him from travelling to the US, where his wife and daughter live, and where he could access the best medical treatment for his recent lung cancer diagnosis. Notably, Lu Siwei's imprisonment has led to the suspension of his medical insurance, leaving him unable to afford surgery in China.

Yu Wensheng and Xu Yan

68. Chinese human rights lawyer Yu Wensheng, and his wife Xu Yan, also a human rights defender, were apprehended and taken away by a group of Beijing police officers on 13 April 2023 as they were on their way to the EU Delegation in Beijing to meet with senior officials of the European External Action Service. The next day, the couple were unjustifiably detained on suspicion of "picking quarrels and provoking trouble".

⁴¹ OHCHR, Lao must immediately release Chinese lawyer Lu Siwei and prevent his imminent deportation: UN experts, (11 August 2023), accessed 28 June 2026: <https://www.ohchr.org/en/press-releases/2023/08/lao-must-immediately-release-chinese-lawyer-lu-siwei-and-prevent-his>

69. On the evening of 15 April 2023, more than seven police officers went to Yu Wensheng's home and informed their then 18-year-old son about their detention but did not give him any written notification nor allow him to take any photo of the arrest warrant.
70. On 21 May 2023, the couple were formally arrested for "picking quarrels and provoking trouble". They were detained at Shijingshan District Detention Centre, and their charges were subsequently changed to "inciting subversion of state power" under Article 105(2) of the People's Republic of China Criminal Law. In early February 2024, they were transferred to Suzhou city, Jiangsu province, far from their registered residential address, making it extremely difficult for their lawyers and family members to visit them. Yu Wensheng was detained at Suzhou City No. 1 Detention Centre, while Xu Yan was detained at Suzhou City No. 4 Detention Centre. Their trial was held on 30 August 2024, almost one and a half years after they were arrested. were sentenced to 3 years and 1 year and 9 months respectively by the Suzhou Intermediate People's Court on 29 October 2024.
71. On 5 July 2024, the UN Special Rapporteur on Human Rights Defenders and other UN experts released information about their communication with the Chinese government concerning the case of Yu Wensheng and Xu Yan. The experts expressed concern that the couple were denied access to their lawyers in May, July and October 2023. The UN experts further expressed concern that Xu Yan was beaten up by other detainees in her cell at the beginning of her detention. However, the prison authorities wrongly deemed the beating as a 'fight'. As a result, Xu Yan was punished and made to clean the toilets for two and a half months. The UN experts also raised concern that Xu Yan was not given adequate food and medical treatment and lost approximately twenty-eight kilograms in weight during her detention. The UN experts further noted that Yu Wensheng and Xu Yan's son attempted to take his life on 18 November 2023 because of the extensive and intrusive police surveillance and intimidation to which he was subjected following the couple's detention. The UN experts expressed concern that the arrest, arbitrary detention and charges against the couple "appear to be in relation to their exercising of their right to freedom of expression to peacefully and legitimately advocate for human rights -particularly those of detained human rights defenders and lawyers" and that the punitive measures against f the couple was "indicative of a concerning cycle of detaining and indicting human rights defenders and lawyers advocating for the rights of another human rights defenders who have been detained and indicted."
72. Yu Wensheng and Xu Yan were released on 13 April 2026. However, we are concerned that they continue to face surveillance and restrictions after their release.

Xie Yang

73. As referenced earlier, Xie Yang is known for his work as a human rights lawyer, representing activists arrested during the 2011 "Jasmine Crackdown", the 2013 New Citizen's Movement and the response to the Hong Kong's pro-democracy protests in 2014. During the "709" crackdown, Xie Yang was detained by authorities in Hunan. He was subsequently subject to enforced disappearance for 6 months under RSDL.
74. As noted earlier, UN experts have called for the practice of RSDL to end, stating that it constitutes enforced disappearance, arbitrary detention, and increases the risk of

torture and other ill-treatment, and can itself amount to torture. Xie Yang has reported that he was subject to torture, which included being shackled to a metal table, placed in stress positions, beaten and threatened, during his time under RSDL.

75. Following this arrest, he was convicted of “inciting subversion” before being exempted from serving his sentence in exchange for renouncing his allegations of torture. After he was released on bail, Xie Yang was subjected to close surveillance. In 2020, the authorities revoked Xie Yang’s license to practice law. In the face of this ongoing harassment, Xie Yang has remained vocal in his advocacy in support of fair trial rights and other persecuted lawyers.
76. In the weeks before his current arrest (January 2022), Xie Yang had peacefully protested in support of Ms. Li Tiantian, a teacher who was forcibly put in psychiatric detention by authorities. On 11 January 2022, Xie Yang was detained again on charges of “picking quarrels and provoking trouble” and “inciting subversion of state power”. In August 2022, he was indicted by the Changsha procuratorate on the sole charge of “inciting subversion” under Article 105(2) of China’s Criminal Law because of his social media posts on X and WeChat, and for providing interviews to foreign media. The Changsha authorities said his comments “attacked and denigrated state power, the socialist system, and the leadership of the Chinese Communist Party.” After this arrest, he was subjected to seven months of enforced disappearance for a second time where his whereabouts were obscured from his family. From January to August 2022, Xie Yang was denied access to his lawyer. The prison guards at Changsha No. 1 Detention Centre refused to tell his family members that he was being held there. From October 2022 to May 2023, he was again denied access to a lawyer of his choice, and authorities attempted to enforce a state-appointed lawyer to represent him. Furthermore, it has been reported that Xie Yang has been subject to torture during his time at the Changsha No. 1 Detention Centre including being beaten, chained for days on end, sexually harassed, and denied food.
77. As stated above, Xie Yang’s trial proceedings were marred with significant violations of his right to fair trial. On 23 March 2026, Xie Yang was sentenced to five years in prison on the charge of “inciting state subversion”. The court also ordered the confiscation of 100,000 yuan.

Zhang Wenpeng

78. Zhang Wenpeng passed the Chinese bar exam in 2016 but has reportedly been denied a licence to practice law due to his opposition to the government controlled All China Lawyers Association (ACLA). As a result, he worked as a legal intern and has been outspoken about his human rights and corruption concerns with the Chinese authorities.
79. Zhang Wenpeng was arrested on 24 September 2024, on the charge of “picking quarrels and provoking trouble”, after he provided legal information to a client accused of corruption. He was formally indicted on 14 July 2025 and is currently being held at the Sanya No.2 Detention Centre in Hainan Province. While in detention, he was reportedly shackled with heavy chains for seven consecutive days and nights in December 2024. His reports of this abuse have been ignored or inadequately addressed by the prison staff and authorities. In February 2025, officials denied his lawyer access to his case files and monitored their meetings,

violating the principle of lawyer-client confidentiality and undermining his right to a fair trial.

80. This is not the first time Zhang Wenpeng has been harassed by state authorities. He was detained initially in 2022 for accusing the director of the Qingdao Justice Bureau of corruption, due to what he perceived to be the Bureau's part in preventing him from getting his licence to practise law. He also co-signed a 2023 petition to the National People's Congress calling for the abolition of the "picking quarrels and provoking trouble" offence. We were recently informed that Zhang Wenpeng was sentenced to 4.5 years on this charge of "picking quarrels and provoking trouble" in the early months of 2026. He will appeal this verdict.

Zion Church Case

81. In early 2026, our organisations received reports that defence lawyers representing individuals in the Zion Church case were being subjected to harassment and intimidation by the authorities in an attempt to prevent them from working on the case.
82. Following the detention of eighteen pastors and church workers of Zion Church, as many as forty lawyers joined the defence team as the case progressed. Shortly after, the lead defence lawyer, Zhang Kai, was summoned for several meetings by officials from the Beijing municipal Bureau of Justice, where they reportedly threatened him, and police subsequently visited his residence in the middle of the night. Zhang Kai is a well-known lawyer and a Christian in his forties. For well over a decade, he has provided legal defence and services in countless cases involving house churches across China. In August 2015, amidst a fresh wave of intense crackdowns on house churches involving raids, removal of crucifixes, and arresting pastors, he was detained in Wenzhou, Zhejiang province, while helping a house church advocate against trumped-up charges the government had brought against them. Zhang Kai was held incommunicado and tortured. After being released a few months later, he remained under strict surveillance. For three years following his release, the status of his law practice was marked as "invalid" on the Justice Bureau's website, and it was not until 2018 when he was permitted to resume practice.
83. In January 2026, the Bureau of Justice held a hearing in accordance with their "procedure," but the outcome appeared to have been predetermined: Zhang Kai's license to practice law was revoked, and this time, the revocation was permanent. According to statements posted by families, six other lawyers in the Zion Church case were recently handed six-month suspensions of their practising licences. Furthermore, reports point to more than twenty lawyers involved in the case being subjected to varying degrees of pressure, including at least a dozen lawyers being summoned for questioning and ordered to withdraw from their work and three lawyers being subjected to financial audits.

4.2 Arbitrary disbarment

84. In China, responsibility for the administration and regulation of the legal profession rests with the judicial authorities, including a lower-level executive branch of the Ministry of Justice, together with the All China Lawyers Association ('ALCA'). These bodies exercise significant authority over the licensing, annual registration and disciplinary oversight of lawyers and law firms.

85. Our organisations are concerned that these do not operate with the independence and impartiality required of legal professional regulatory bodies. Reports received indicate that disciplinary and licensing procedures appear to have been used to sanction, suspend, or otherwise restrict lawyers or law firms acting in politically sensitive cases or exercising their freedom of expression. Such practices raise concerns regarding the independence of the legal profession and the ability of lawyers to carry out their professional duties free from intimidation, harassment or improper interference, in accordance with the UN Basic Principles.
86. Articles 47 – 49 of the Law on Lawyers (1997) outline conduct that can be punished by suspension or revocation of a lawyer's licence, including the vaguely-defined grounds of "disrupting court order", "disrupting public order", and "presenting views to endanger state security".
87. Articles 37 – 40 of the Administrative Measures for the Practice of Law by Lawyers also include strict rules of conduct, hindering lawyers from drawing attention to violations of their clients' rights. Our organisations have received reports that lawyers have been punished under administrative measures for challenging the lawfulness of court proceedings in court or online, publicising accusations that their client had been tortured, or alleging that a case is politically motivated or contrary to the rule of law.
88. Figures provided by the organisation China Change indicate that at least 45 lawyer's licences have been suspended or permanently revoked since the '709 crackdown' began in 2015. The large-scale revocation of licences of prominent human rights lawyers intensified in 2018 and continued until the end of 2021, with at least 32 lawyers being disbarred in this time. Since 2022, there have only been two known cases of a human rights lawyers being disbarred. The organisation maintains that this does not point towards a decline in the practice for positive reasons, but rather that the most outspoken human rights lawyers have already been forced out of practice, and those who still hold a license are now practicing under enormous pressure. The same organisation states that beyond the context of the '709 crackdown', the targeted disbarment of human rights lawyers in China can be traced back to 2003, when the country's rights-defence movement began. Since then, there have been at least 72 cases in which human rights lawyers have had their licences revoked.
89. Arbitrary disbarment has also been used as a tactic against a Hong Kong lawyer, Kevin Yam (see section 4.4 of this report on transnational repression).
90. The misuse of administrative and disciplinary measures violates the UN Basic Principles and international human rights standards protecting freedom of expression. Principle 16 (c) outlines that governments shall ensure that "lawyers shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics".⁴²
91. Furthermore, lawyers, like all other individuals, have the right to freedom of expression under the UDHR and Article 19 of the ICCPR. In particular, lawyers have

⁴² OHCHR, Principle 16.C of the UN Basic Principles on the Role of Lawyers (1990)

specific protections for their right to freedom of expression and association in recognition that they are "crucial for the effective functioning of the fair administration of justice."⁴³ Principle 23 of the Basic Principles states that lawyers shall have "the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization."⁴⁴

4.3 Draft amendments to the Lawyers Law

92. On 26 June 2026, the National People's Congress published proposed amendments to the Lawyers Law. In a letter addressed to the President of the People's Republic of China on 23 July 2026, the Council of Bars and Law Societies of Europe (CCBE) raised concerns that the proposed amendments would require lawyers to uphold the leadership of the Communist Party of China and the "socialist rule of law", while also obliging law firms to establish internal Communist Party organisations in accordance with the Party constitution.⁴⁵

93. Our organisations are concerned that these proposed amendments are incompatible with Principles 16, 17 and 18 of the UN Basic Principles, which safeguard the independence, security and proper functioning of lawyers, as well as Principle 23, which guarantees lawyers' rights to freedom of expression, belief, association and assembly.

4.4 Transnational repression

94. Our organisations are aware that lawyers and their families who have been forced to flee China and Hong Kong because of their targeting as a result of their legal work may be subject to transnational repression in other countries. Examples of which include refoulement to China as seen in Lu Siwei's case, and the teenage sons of detained human rights lawyers being threatened and detained in neighbouring countries, such as Thailand⁴⁶ and Myanmar.⁴⁷

95. In response to the arrest warrants, on 17 July 2023, the Law Society of England and Wales sent a letter to Hong Kong's Chief Executive Office to raise our concern with the use of the NSL to silence political dissent and curtail freedom of expression. We also condemned attempts by the Hong Kong authorities to exert pressure on the Law Society of Hong Kong (LSHK) and the Hong Kong Bar Association (HKBA). The

⁴³ European Court of Human Rights, *Morice v. France* (App. no. 29369/10) (2015); *Nikula v. Finland* (App. no. 31611/96) (2002).

⁴⁴ OHCHR, Principle 23 of the UN Basic Principles on the Role of Lawyers (1990)

⁴⁵ CCBE, *Concerns regarding proposed amendments to the Lawyers Law*, 23 July 2026, available at: https://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/HUMAN_RIGHTS_LETTER/China_-_Chine/2026/EN_HRL_20260723_China_Concerns-regarding-proposed-amendments-to-the-Lawyers-Law.pdf

⁴⁶ Maren Williams, *Chinese Cartoonist Deported from Thailand, Jailed in China*, (2 December 2015), accessed 27 June 2026: <https://cbldef.org/2015/12/chinese-cartoonist-deported-from-thailand-jailed-in-china/>

⁴⁷ Front Line Defenders, *Case History: Xing Qingxian*, accessed 27 June 2026: <https://www.frontlinedefenders.org/en/case/case-history-xing-qingxian>

Law Society argued that by requiring the two organisations to investigate alleged instances of 'misconduct', the Hong Kong Department of Justice is attacking the independence of lawyers. We urged the Hong Kong authorities to drop the charges against the eight activists, withdraw the complaints lodged to the LSHK and HKBA, and halt use of the legal system to undermine the work of lawyers and human rights lawyers. Hong Kong's Security Bureau issued a strongly worded response to our letter rejecting our "wrongful allegations" and accusing us of "unsubstantiated smearing".

96. On 22 July 2025, the Solicitors Disciplinary Tribunal found Kevin Yam guilty of professional misconduct, struck him off the Roll of Solicitors, and ordered him to pay HK\$816,600 in legal costs. These proceedings stemmed from remarks he made before the United States Congressional-Executive Commission on China (CECC) in May 2023 calling for accountability for members of the judiciary for their complicity in rights violations, including unfair trials. Kevin Yam did not participate in the disbarment proceedings, citing "Hong Kong's prevailing legal and political environment" as an impediment to due process; based on the longstanding targeting he had experienced, he had lost confidence in the integrity of the system. Kevin Yam continues to face transnational repression, including a leafletting campaign in Australia, where he now lives, aimed at discrediting and harassing him. The leafletting mentions the arrest warrant and bounty.
97. Similarly, we are aware of another lawyer and former politician, Ted Hui, who is in exile in Australia and has also faced a leafletting campaign directed towards him and his wife.
98. Furthermore, the submitting organisations are also aware of acts of transnational repression reportedly by the Chinese state against UK-based lawyers. The most prominent example of this is the targeting of the international legal team for Hong Kong pro-democracy activist Jimmy Lai. This repression has included surveillance, hacking of bank accounts, attack pieces in Chinese state media, and severe physical threats among many other tactics. In May 2025, the Law Society raised this in an evidence submission to the Commons Foreign Affairs Committee inquiry into the UK Government's China Audit.

5 Conclusion and recommendations

99. Our organisations maintain that the rule of law, the rights and role of lawyers and access to justice remain under threat in China and Hong Kong and therefore conclude that the recommendations supported by China during the Fourth Cycle of the UPR have not been adequately implemented more than two years on. China persistently undermines the rule of law, fails to protect fair trial rights and access to justice, and continues to subject lawyers to harassment, surveillance, arbitrary prosecutions, unfair trials, arbitrary deprivation of liberty, travel bans, incommunicado detention, enforced disappearance, forced exile, transnational repression, torture and other forms of ill-treatment, simply for doing their job. These practices violate international human rights laws and standards and international protections for the role of lawyers such as freedom of expression and assembly, the freedom to practice law free from harassment, intimidation or interference law without intimidation, the right to a fair trial, and freedom from torture.

100. To be able to adequately implement the recommendations pertaining to the rule of law, fair trial rights, accessed to justice and the role and rights of lawyers, our organisations urge China to:

1. Immediately and unconditionally release all lawyers who are arbitrarily imprisoned in China and Hong Kong and drop all charges against them that are related to their legitimate professional duties and exercise of their right to freedom of expression and peaceful assembly.
2. Immediately halt all acts against lawyers in detention that constitute torture or other cruel, inhuman or degrading treatment or punishment including prolonged solitary confinement, residential surveillance at a designated location (RSDL), incommunicado detention, and enforced disappearance.
3. Uphold the rights of all lawyers to carry out their professional functions and halt all acts of intimidation, harassment and arbitrary disciplinary proceedings against legal professionals in China and Hong Kong and abroad that violate these rights.
4. Repeal or amend all laws that erode the rule of law, judicial independence and fair trial rights in China and Hong Kong, including the National Security Law and Article 23, to bring them in line with international human rights standards.
5. Cease efforts to amend the Lawyers Law to require political allegiance from lawyers and law firms and take measures to ensure that professional regulation is consistent with the UN Basic Principles on the Role of Lawyers.
6. Ensure that lawyers' fair trial rights, including access to an effective remedy and to independent legal counsel of their choice, are protected in compliance with constitutional guarantees and applicable human rights law.