



The Law Society
of England and Wales



Lawyers' Rights Watch Canada

Item 3: Interactive Dialogue with the Working Group on Arbitrary Detention

Date: 14 September 2026

Speaker: Harini Sivalingam

Oral Statement to the 63rd Session of the UN Human Rights Council from Lawyers' Rights Watch Canada, The Law Society of England and Wales, Lawyers for Lawyers, the International Bar Association's Human Rights Institute, NGOs in special consultative status with endorsement by the Asian Lawyers Network, NGO without consultative status

China's continued failure to ensure fair trials and protect lawyers

Lawyers' Rights Watch Canada, The Law Society of England and Wales, Lawyers for Lawyers, and the International Bar Association's Human Rights Institute, with endorsement by the Asian Lawyers Network, welcome the Working Group's communications on China, including Hong Kong SAR.¹

Despite Universal Periodic Review commitments in 2024,² China persists in subjecting lawyers to threats; disbarment; arbitrary detention and prosecution; unfair trials; forced exile; transnational repression, incommunicado detention, enforced disappearance; torture and ill-treatment.

The Working Group observed that China's violations "might indicate a widespread or systemic practice of arbitrary detention," noting "that States have the obligations: not to engage in acts that could constitute crimes against humanity; to prevent such acts; and, if such acts are committed, to punish those responsible."³

We urge China to:

- Accept the Working Group's request for a country visit;
- Guarantee fair trials, and access to lawyers of choice;
- Release all lawyers arbitrarily detained in China and Hong Kong SAR; and
- Repeal or amend Hong Kong SAR's National Security Law and Article 23 legislation; and ensure that laws fulfil international standards.

We call for an update of the OHCHR's 2022 report on Xinjiang,⁴ including assessment of access to fair trials and the ability of lawyers to perform their professional duties freely and independently.

Thank you.

¹ Human Rights Council, Report of the Working Group on Arbitrary Detention, A/HRC/63/33, 5 August 2026, <https://docs.un.org/en/A/HRC/63/33>.

² The Law Society of England and Wales, Lawyers for Lawyers, Lawyers' Rights Watch Canada, the International Bar Association's Human Rights Institute, and the Asian Lawyers Network, 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, 1 September 2026, forthcoming at <https://www.ohchr.org/en/hr-bodies/upr/upr-implementation>

³ E.g. WGAD, Opinion No. 73/2025 concerning [lawyer] Xie Yang (China), A/HRC/WGAD/2025/73, 25 February 2026, paras. 74-75. <https://www.ohchr.org/sites/default/files/documents/issues/detention-wg/opinions/sessions104/a-hrc-wgad-2025-73-china-advance-edited.pdf>.

⁴ OHCHR Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China, 31 August 2022, <https://www.ohchr.org/en/documents/country-reports/ohchr-assessment-human-rights-concerns-xinjiang-uyghur-autonomous-region>