

September 2026

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I. Executive summary

At its 63rd session, the Human Rights Council (HRC) considered the report of the Working Group on Arbitrary Detention (WG), which presented its activities throughout 2025 and examined the issue of arbitrary detention in the context of transnational repression. The WG had adopted 78 opinions concerning 210 persons in 38 countries and had transmitted 23 urgent appeals and 148 allegations and other letters concerning at least 608 persons. It also reported that 115 detainees had been released following its interventions, representing a significant increase compared to 156 % in the previous year.

The WG's thematic analysis focused on the growing phenomenon of transnational repression and its relationship with arbitrary deprivation of liberty. It identified physical, legal and digital forms of transnational repression, including extraterritorial abductions and transfers, abusive extradition requests, misuse of INTERPOL Red Notices, deprivation of nationality, prosecution of peaceful activities conducted abroad, targeted digital surveillance and coordinated cyber harassment. The WG emphasised that such practices could violate the rights to liberty, fair trial, privacy, freedom of expression and association, and could also engage the responsibility of both the requesting state and the state facilitating or carrying out the repression.

The report also contained the findings of the WG's official visit to Australia from 1 to 12 December 2025. The WG identified several positive safeguards, particularly regarding pre-charge detention and community-based initiatives, while expressing serious concerns about the increasing use of remand, the overrepresentation of First Nations people in detention, the treatment of children, conditions of detention, prolonged solitary confinement, access to legal assistance, detention linked to healthcare and Australia's migration detention system.

Geneva International Centre for Justice (GICJ) welcomes the WG's assessment of the persistent risks of arbitrary deprivation of liberty identified both globally and in Australia. GICJ particularly supports the WG's emphasis on the need to strengthen safeguards against arbitrary detention, ensure effective judicial and independent oversight, and address the structural factors that contribute to prolonged and discriminatory detention. GICJ further underscores the importance of addressing the disproportionate impact of detention on First

Nations peoples, children and other persons in vulnerable situations, as well as the serious concerns surrounding mandatory and prolonged migration detention.

GICJ calls on states to fully implement their international human rights obligations and to ensure that deprivation of liberty remains an exceptional measure subject to legality, necessity, proportionality and effective review.

II. Background

The WG on Arbitrary Detention was established by the Commission on Human Rights in its resolution 1991/42. Its mandate was subsequently renewed by the HRC for a further three-year period through resolution 60/8, adopted on October 6, 2025.

The WG operates as a special procedure of the HRC and examines cases of deprivation of liberty imposed arbitrarily, in accordance with its mandate and methods of work.

During 2025, the WG was composed of Miriam Estrada-Castillo (Ecuador), Matthew Gillett (New Zealand), Priya Gopalan (Malaysia), Mumba Malila (Zambia) and Ganna Yudkivska (Ukraine). Following the resignation of Priya Gopalan, Ethan Hee-Seok Shin (Republic of Korea) was appointed as a member by the HRC for its 59th session. In March 2025, Ganna Yudkivska was elected Chair-Rapporteur.

The WG continued to carry out its mandate through the consideration of individual communications, country visits and engagement with states and civil society. In 2025, it held its 102nd, 103rd and 104th sessions and conducted a country visit to Australia from 1 to 12 of December 2025.

The report presented at the 63rd session of the HRC therefore brought together the WG's activities during 2025, including its consideration of communications and its country visit to Australia. It also examined a thematic issue of particular relevance to the protection against arbitrary detention, namely the relationship between arbitrary detention and transnational repression.

III. Summary of the WG's report

The WG examined arbitrary detention in the context of transnational repression, which involved measures taken across borders to silence, intimidate or punish individuals for exercising their fundamental rights. It identified three main forms of transnational repression: physical, legal and digital. Physical repression included extraterritorial abductions, forced returns and transfers, while legal repression included abusive extradition requests, misuse of

INTERPOL mechanisms, prosecutions in absentia and the criminalisation of peaceful activities conducted abroad. Digital repression involves practices such as targeted surveillance, spyware, hacking and coordinated cyber harassment.

The WG emphasised that such practices could result in arbitrary deprivation of liberty and violate other fundamental rights, including the rights to privacy, freedom of expression and association and fair trial. It further stressed that states remained bound by their human rights obligations when exercising jurisdiction, power or effective control over individuals outside their territory. International cooperation, including extradition and other forms of criminal assistance, therefore could not be used to circumvent these obligations.

The WG called upon states to ensure effective judicial review and procedural safeguards in extradition and other forms of international cooperation, to respect the principle of non-refoulement and to exercise particular scrutiny regarding INTERPOL Red Notices and diffusions. It also urged states to refrain from using convictions in absentia, deprivation of nationality or measures targeting relatives and contacts as means of facilitating arbitrary detention.

IV. Summary of the WG's country visit to Australia

The WG visited Australia from 1 to 12 December 2025, during which it assessed the country's legal and institutional framework governing deprivation of liberty and visited several places of detention. While it identified positive safeguards, including limits on pre-charge detention and community-based initiatives, it expressed concern about the increasing use of remand and the significant overrepresentation of First Nations people in the prison population.

The WG also raised concerns regarding the treatment of children in detention, particularly the low minimum age of criminal responsibility, the use of adult-style sentencing and the disproportionate detention of First Nations children. It further highlighted inadequate detention conditions, including overcrowding, limited access to healthcare and the prolonged use of solitary confinement. The WG considered that these concerns were aggravated by insufficient access to legal assistance, rehabilitation and reintegration services.

Particular attention was given to the indefinite detention of persons with psychosocial or cognitive disabilities and to the treatment of people who used drugs, for whom the WG encouraged greater reliance on non-custodial and treatment-based alternatives. It also expressed serious concern about Australia's mandatory migration detention system, including prolonged detention, detention of children, detention at sea and transfers to third countries.

The WG therefore called upon Australia to strengthen safeguards against arbitrary detention, adopt a federal human rights act, reduce reliance on remand and custodial measures, address the overrepresentation of First Nations people and children, improve detention conditions and independent oversight, and end mandatory and prolonged migration detention.

V. Extensive Summary of the Interactive Dialogue

1. The Working Group on arbitrary detention



In presenting its activities to the HRC, the WG highlighted the human dimension of its mandate and the importance of cooperation with states.

“Arbitrary detention is the quietest of violations. There is no explosion, no headline. A door simply closes and a person disappears from their work, from their family, from public life.”, stated Ganna Yudkivska, the Chair-Rapporteur of the WG during her opening address to the 63rd session of the HRC on 15 September 2026.

Referring to the 115 individuals released following its interventions and follow-up, the WG stressed that these figures should be understood not merely as statistics, but as individuals who had regained their liberty. It emphasised that the purpose of its mandate was therefore ultimately centred on people rather than procedures.

The WG also clarified the nature of its communications with states. It stressed that a communication should be understood as a question rather than a conclusion, given that state replies could provide information capable of dispelling concerns or correcting the WG’s assessment. It expressed appreciation for states that had engaged with its communications and provided information, emphasising that such cooperation contributed to the credibility of the human rights system as a whole. At the same time, it warned that the absence of a response left credible allegations unrebutted.

Turning to the thematic focus of the report, the WG stressed that transnational repression increasingly followed individuals beyond national borders. It highlighted in particular the targeting of relatives of individuals abroad, who could themselves be detained because of another person's activities. The WG emphasised that such practices were incompatible with the principle of individual criminal responsibility. It further underlined that international criminal cooperation remained essential to the rule of law but should never be diverted towards purposes of repression.

Finally, the WG stressed the growing demands placed on its mandate as new forms of detention and cross-border repression continue to emerge. It warned that increasing caseloads combined with limited resources could affect its ability to respond effectively and called for adequate resources to enable the mandate to fulfil its role.

2. Statement of the country concerned - The Commonwealth of Australia



The delegate of Australia thanked the WG for its report and welcomed its constructive engagement during the country visit. Australia acknowledged concerns regarding the disproportionate number of Indigenous Peoples in detention, youth justice, immigration detention and the rights of persons with disabilities, while highlighting ongoing reforms and community-based initiatives. It also outlined measures to strengthen safeguards for children and persons with psychosocial and intellectual disabilities. Regarding immigration detention,

Australia stressed its role within the migration system and highlighted the use of community-based and less restrictive alternatives where possible. Australia stated that it would continue to consider the WG's recommendations and report on relevant developments through its follow-up procedures.

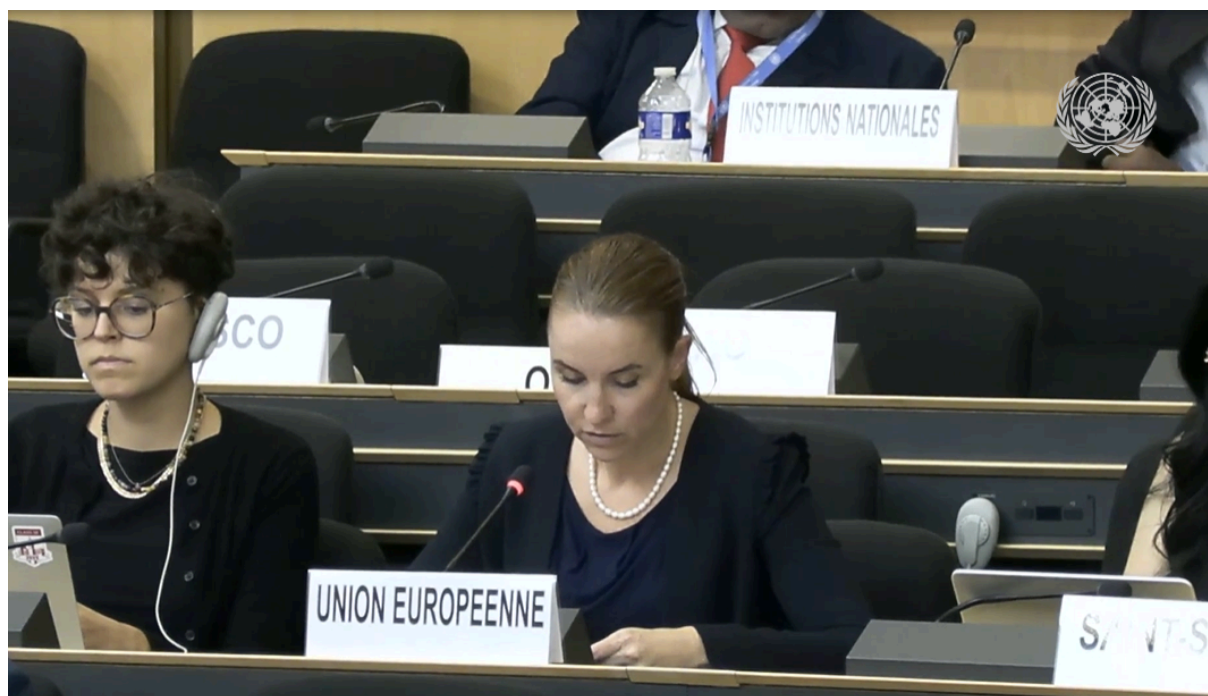
3. Statements by groups of states

The Nordic and Baltic states



The delegate of the Republic of Lithuania, speaking on behalf of the Nordic and Baltic states, noted that practices such as detention abroad, deportations, and legal and digital forms of repression, particularly affected human rights defenders and journalists in exile, restricting their ability to organise and engage in international advocacy. The Nordic and Baltic states further warned that transnational repression could create fear within the societies where targeted individuals reside and contribute to the destabilisation of democratic societies. They asked the WG how coordination across the United Nations system could be strengthened to improve the monitoring of cases, trends and risks related to transnational repression.

The European Union (EU)



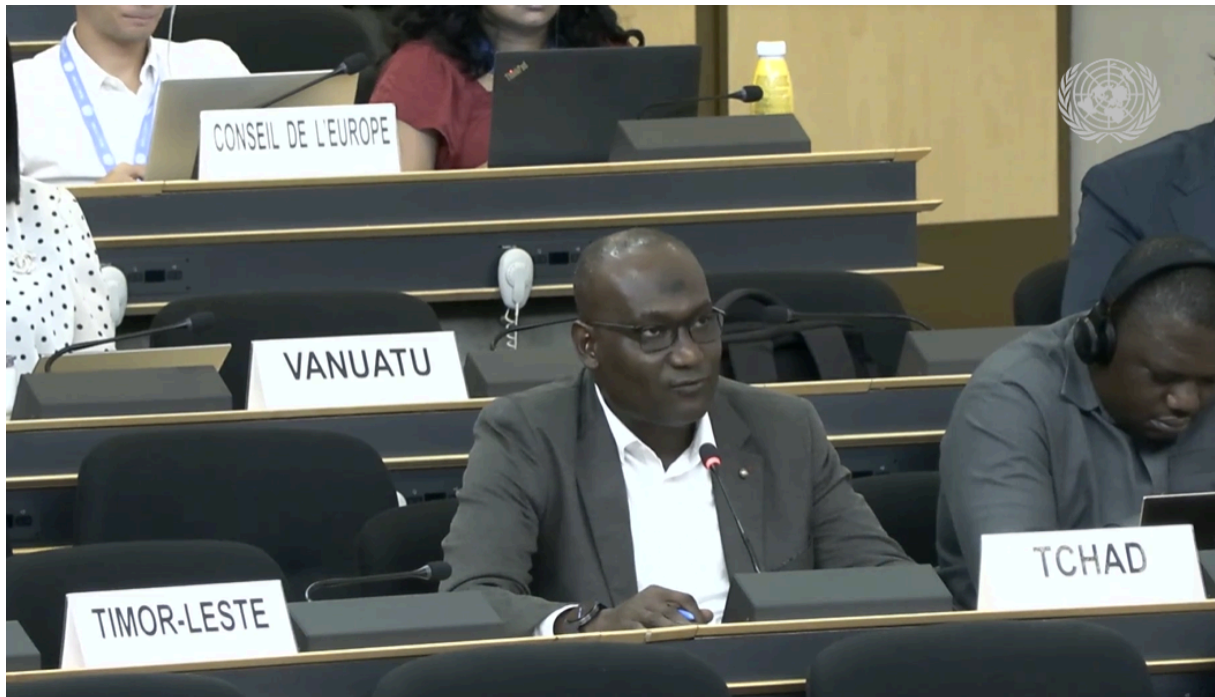
The delegate of the European Union (EU) thanked the WG for its continued efforts and welcomed the release of 115 persons in 2025 following its interventions. The EU stressed the persistence of arbitrary detention and called on all states to cooperate closely with the WG, particularly through its follow-up procedure. It also stressed the need for vigilance in criminal cooperation and extradition procedures to prevent extraterritorial kidnappings.

The Arab League



The delegate of the Republic of Iraq, speaking on behalf of the Arab League, thanked the WG for its report and stressed the importance of considering information provided by Arab states in a balanced manner, respecting state sovereignty and judicial independence. It called for impartial dialogue and emphasised that arbitrary detention should also be addressed in relation to the situation of Palestinians under occupation. The Arab League urged the WG to continue documenting arbitrary detention practices affecting Palestinians and to follow up on them to ensure accountability for victims.

The African Group



The delegate of the Republic of Chad, speaking on behalf of the African Group, reaffirmed that any deprivation of liberty must be lawful, respect due process and remain subject to judicial oversight. Chad expressed concern about transnational repression leading to arrests, detention or restrictions of rights outside a state's territory, particularly where international safeguards were circumvented. It stressed the importance of state sovereignty, the rule of law, judicial independence, fair trial rights, dialogue and international cooperation in preventing arbitrary detention.

4. Statements of other countries

The People's Republic of China



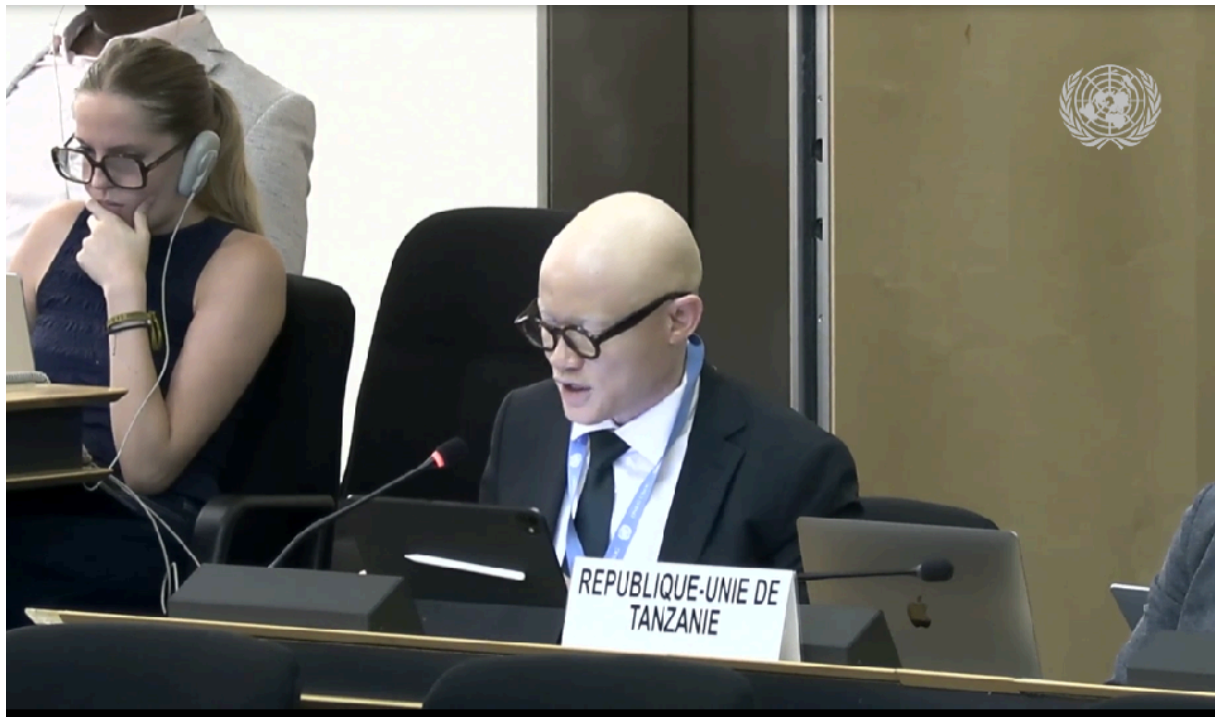
The delegate of the People's Republic of China took note of the WG's report and expressed concern that most communications in 2025 concerned developing countries, which it viewed as reflecting double standards and an imbalance in international human rights governance. China called on the WG to act impartially and objectively, relying on accurate and authoritative information and respecting state sovereignty and judicial independence. It stated that China firmly opposed arbitrary detention and highlighted constitutional guarantees of personal freedom and equality before the law. China also expressed its willingness to engage in constructive dialogue and cooperation with the WG and other relevant mechanisms.

The Islamic Emirate of Afghanistan



The delegate of the Islamic Emirate of Afghanistan drew attention to what it described as the continuing systematic practice of arbitrary detention by the Taliban against journalists, activists, former officials, security personnel and others perceived as critical. Afghanistan reported cases of arbitrary arrest, torture, ill-treatment and incommunicado detention, particularly affecting women peacefully protesting restrictions. It called for adequate resources and genuine cooperation with the WG, continued monitoring of Afghanistan, and effective remedies and reparations for victims.

The United Republic of Tanzania



The delegate of the United Republic of Tanzania reaffirmed that arbitrary detention was prohibited under its Constitution and Criminal Procedure Act. Tanzania rejected allegations concerning the detention of a political figure, stating that the arrest and detention were lawful and that the case was currently before a competent court. It stressed that the detainee had access to defence counsel, the right to examine witnesses and other guarantees of a fair trial. Tanzania further emphasised judicial independence and equality before the law, reaffirming its commitment to due process and judicial oversight of arrests and detention.

The State of Palestine



The delegate of the State of Palestine expressed concern that Israel had received no urgent appeals or allegation letters during the reporting period despite the scale of detention of Palestinians. Palestine reported that over 9,600 Palestinians were detained, including children and women, with thousands held administratively or under Israel's so-called unlawful combatants law. It referred to reports of torture and sexual violence against detainees and raised concerns regarding the detention and health conditions of Palestinian detainees. Palestine asked the WG to clarify why no urgent appeal or allegation letter had been transmitted concerning Palestinian detainees held by Israel, including those in critical health conditions.

The Democratic Republic of the Congo



The delegate of the Democratic Republic of the Congo (DRC) thanked the WG for its report and expressed concern over the rise of transnational repression. The DRC reaffirmed its commitment to state sovereignty and the protection of human rights defenders beyond national borders. It supported rigorous and transparent judicial oversight of international criminal cooperation and highlighted ongoing legal and judicial reforms to strengthen due process and the right to defence. The DRC also reaffirmed its commitment to constructive cooperation with the WG and supported providing it with adequate and predictable resources.

The Russian Federation



The delegate of the Russian Federation expressed concern over what it described as arbitrary detention practices by Moldovan authorities, particularly affecting passengers arriving from Russia at Chisinau airport. It alleged that such detentions were carried out without adequate explanation of the reasons or access to consular assistance and could last for several days. The Russian Federation called on the WG to pay close attention to the situation and monitor the alleged cases of arbitrary detention.

VI. Statements from national institutions and NGOs

National human rights institutions and NGOs highlighted the continued existence of cases of arbitrary detention and called for the release of individuals who remained arbitrarily detained. They urged states to cooperate fully with the WG and to implement its recommendations. Several interventions also called for greater attention to persons with mental health conditions who were arbitrarily deprived of their liberty, stressing the need to address their specific vulnerabilities. Concerns were further raised regarding deaths in detention, with calls for thorough and independent investigations into the circumstances surrounding such deaths and for accountability where violations had occurred. Several organizations also emphasized that violations linked to arbitrary detention could continue even after an individual's release. They drew attention to cases in which released individuals were subsequently forced into exile or deprived of their nationality, leaving them unable to safely return to their country or fully recover their rights. Finally, interventions highlighted the transnational dimension of repression, including its impact on family members of individuals targeted abroad. They stressed that relatives could themselves be subjected to detention or other forms of pressure as a means of pursuing or punishing individuals outside the State's territory. These interventions therefore underscored the need to consider the broader consequences of arbitrary detention and transnational repression, including their effects on individuals and families beyond the immediate circumstances of detention.

VII. Conclusion

In its concluding remarks, the WG addressed the concerns raised by states regarding its working methods, the findings of its report and the actions expected from states. Regarding its procedures, the WG recalled that its communications followed an adversarial process, allowing states sixty days to respond, with a possible one-month extension. It emphasised that late replies were still considered and that it was not a further instance of review over national courts. Its assessment focused instead on whether detention had a legal basis and whether the proceedings respected the guarantees provided under the International Covenant on Civil and Political Rights. It therefore distinguished between questions of guilt, which fell within the competence of national courts, and the assessment of arbitrariness, which fell within its mandate.

Regarding international judicial cooperation, the WG identified four safeguards to prevent such cooperation from becoming an instrument of transnational repression. It stressed the need for judicial oversight of transfers, a genuine assessment of the motives underlying extradition requests, effective remedies before removal and careful scrutiny of INTERPOL Red Notices in light of article 3 of the INTERPOL Constitution. It also reaffirmed the importance of unconditional respect for the principle of non-refoulement. The WG further raised concerns about the increasing detention of humanitarian and United Nations personnel and emphasised that detention in situations of conflict and occupation could not take place outside the protection of the law.

Finally, the WG stressed that its opinions should lead to concrete action, including release, investigation, reparation and guarantees of non-repetition. It called on states to cooperate with its follow-up procedures and facilitate country visits, noting that its next country visit would take place in the Republic of Korea in November. It also highlighted the need for adequate and predictable resources, noting that insufficient funding had prevented two planned country visits during the year. The WG emphasised that individuals cooperating with it must be protected from reprisals. It concluded by calling on states to respond to its communications, implement its opinions and allow it access to their territories, stressing that the dialogue should continue beyond the Human Rights Council session.

Position of Geneva International Centre for Justice (GICJ)

Geneva International Centre for Justice (GICJ) welcomes the continued work of the WG on Arbitrary Detention in addressing violations of the right to liberty and security of persons. GICJ particularly welcomes the WG's focus on transnational repression and its recognition that arbitrary detention could be used as a tool of repression beyond national borders. The increasing use of physical, legal and digital measures against individuals exercising their fundamental rights raised serious concerns regarding the protection of human rights and the rule of law.

GICJ is particularly concerned by the use of extradition procedures, INTERPOL mechanisms, prosecutions and other forms of international cooperation to pursue individuals for their political opinions, human rights activities or other peaceful conduct. GICJ stresses that states should ensure that international cooperation does not facilitate arbitrary detention or expose individuals to serious human rights violations. Effective judicial review, fair trial guarantees and respect for the principle of non-refoulement remain essential safeguards.

GICJ also supports the concerns raised by the WG following its visit to Australia, particularly regarding the excessive use of detention, the disproportionate impact of detention on First Nations peoples and children, and the continued use of prolonged migration detention. These concerns illustrated the importance of ensuring that deprivation of liberty remains an exceptional measure and that effective alternatives and independent oversight mechanisms are available.

GICJ therefore called upon states to implement the WG's recommendations, strengthen safeguards against arbitrary detention and ensure full cooperation with its mandate. It further urges states to protect individuals cooperating with United Nations human rights mechanisms from intimidation and reprisals.



@geneva4justice



Geneva International Centre for Justice



info@gicj.org



<https://www.gicj.org/>



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