

*“IN A PRISON CELL
WAITING FOR DAYBREAK”:*

**ARBITRARY DETENTION
IN CHINA MAY CONSTITUTE
CRIMES AGAINST HUMANITY**



Network of Chinese Human Rights Defenders (CHRD)
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Executive Summary

Between 2019 and 2024, Chinese authorities arbitrarily detained thousands and convicted 1,545 prisoners of conscience for peacefully exercising or advocating for human rights. They were sentenced and imprisoned on charges that stem from laws that are not in conformity with the Chinese government’s domestic and international human rights obligations. Their cases proceeded through the full criminal justice system, with police, prosecutors, and courts arbitrarily depriving them of their liberty in violation of their human rights.

By CHRD’s analysis, which draws from its own and other databases of prisoners of conscience, these patterns echo a concern set out since 2017 by the United Nations (UN) Working Group on Arbitrary Detention: that the scope and scale of wrongful detention by Chinese authorities may constitute crimes against humanity.

For prisoners of conscience (PoCs) the stakes are high: the average sentence handed down during this period was six years, rising to seven years for national security charges. Women activists and marginalized communities, including Tibetans and Uyghurs, number disproportionately higher among those wrongfully detained.

Other key findings of CHRD’s analysis include:

- Between January 1, 2019 and December 31, 2024, authorities sentenced 1,422 PoCs to prison in mainland China (including Tibet and the Uyghur region¹) and 123 individuals in Hong Kong in violation of their human rights.
- Three PoCs—Tashpolat Tiyip, Sattar Sawut, and Yang Hengjun—have been sentenced to death, two—Rahile Dawut and Abdurazaq Sayim—were sentenced to life in prison, and 48 were given sentences of a decade or more during this period.
- Authorities frequently used three crimes or types of charges against PoCs: “picking quarrels and provoking trouble,”² a crime identified by domestic activists and the UN High Commissioner for Human Rights as overly broad and vague; “organizing and using a cult to undermine implementation of the law,” a charge often used to target religious believers; and crimes in the category of “endangering national security.”
- Of the over 700 older prisoners of conscience (defined as over the age of 60), two-thirds are women.
- More individuals in Hong Kong were convicted of “subversion” and “inciting subversion” than in mainland China according to available data.
- The average prison sentence in Hong Kong under the 2020 National Security Law is 5.15 years.
- Beijing’s frequent use of national security charges—in the mainland and Hong Kong—shows the leadership’s reliance on the legal system as an instrument of political suppression.

¹ The Chinese government refers to this area as the Xinjiang Uyghur Autonomous Region (XUAR).

² Throughout the report, CHRD denotes formal criminal charges using quotation marks.

- Even after serving a prison sentence, PoCs in mainland China are still subjected to arbitrary deprivation of liberty.
- Chinese authorities use of arbitrary detention nationwide underscore that these abuses are widespread and systematic.

Beijing’s concerted efforts to choke off the exercise and promotion of human rights has implications inside and outside the country. Defenders are among the only individuals willing to try to challenge abusive state policies and practices, to push for reform and accountability, and to share information on critical issues ranging from women’s rights and public health, to religious freedom and labor rights. When defenders are imprisoned for this work and silenced, people and governments around the world are left without information about domestic developments, and without allies for reform. Worse still, the impunity Chinese government officials enjoy at home emboldens them to commit abuses abroad.

To end arbitrary detention in China, CHRD recommends:

- Supporting independent, international investigations into the Chinese government’s use of arbitrary detention as possible crimes against humanity.
- Bolstering advocacy in support of human rights defenders across and from China, including using high-level meetings to publicly call for the release of specific individuals by name.
- In keeping with the June 2020 call from 50 UN human rights experts,³ actively supporting a special session at the UN Human Rights Council and the creation of a dedicated mechanism focused on Chinese government human rights violations.

The Chinese government’s use of arbitrary detention to silence critics and punish HRDs is not new, but under Chinese Communist Party General Secretary Xi Jinping the scope and scale of violations has expanded. In 2022, the UN Office of the High Commissioner for Human Rights determined that the Chinese government’s policies and treatment of Muslim groups in the Uyghur region may constitute crimes against humanity.⁴ That this government now stands twice accused by UN bodies of possibly committing crimes against humanity—which was not the case at the beginning of the period under consideration—reflects an alarming trend. Left unchecked, the implications are dire for human rights law inside and outside the country.

Methodology

This report is primarily based on data documented in CHRD’s Prisoners of Conscience database, which has been continuously updated since January 2019 and at the time of publication includes

³ Office of the High Commissioner for Human Rights (OHCHR), “UN experts call for decisive measures to protect fundamental freedoms in China”, June 26, 2020, <https://www.ohchr.org/en/press-releases/2020/06/un-experts-call-decisive-measures-protect-fundamental-freedoms-china>

⁴ OHCHR, “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>

the case details of 3,674 individuals deprived of their liberty.⁵ CHRDR collects and verifies information on the individuals in the database through our network inside China. For this report, CHRDR examined the cases in the database of individuals sentenced to prison between January 1, 2019 and December 31, 2024 in mainland China—a total of 1,422 people. Additionally, CHRDR interviewed Chinese human rights defenders (HRDs), family members, and lawyers, and conducted desk research.

To analyze similar trends, CHRDR also consulted five databases run by six other organizations, the Congressional-Executive Commission on China (CECC), Dui Hua, Georgetown Center for Asian Law (GCAL), ChinaFile, Tibetan Centre for Human Rights and Democracy (TCHRD), and the Xinjiang Victims Database.⁶ Any errors are CHRDR’s own.

CHRDR also reviewed the 117 opinions on China covering 345 individuals adopted by the UN Working Group on Arbitrary Detention between 1993 and 2024.

CHRDR uses the term “*prisoner of conscience*” (PoC) to refer to an individual who has been deprived of their liberty (detained, imprisoned, or forcibly disappeared) for peacefully exercising or defending human rights.

The UN Working Group on Arbitrary Detention (WGAD) defines *arbitrary detention* as deprivation of liberty that includes elements of “inappropriateness, injustice, lack of predictability and due process of law.” It describes five categories of deprivation of liberty.⁷

CHRDR considers, on the basis of our definition of a PoC, that all of the individuals in the Prisoners of Conscience Database have been arbitrary detained in contravention of international law under the WGAD’s Category II.⁸ Many PoCs have also suffered other violations of their rights, most notably the right to a fair trial and to be free from torture in contravention of WGAD’s Category III.⁹

⁵ Chinese Human Rights Defenders, “Prisoners of Conscience Data, Mainland China” (中国大陆良心犯资料库), <https://tenchu.org/pocd/public/>

⁶ Congressional Executive Commission on China (CECC), Political Prisoner Database, <https://www.ppdcecc.gov/ppd/>; Dui Hua, “Political Prisoner Database”, <https://duihua.org/resources/political-prisoners-database/>; Georgetown Center for Asian Law and ChinaFile, “Tracking the Impact of Hong Kong’s National Security Law”, <https://www.chinafile.com/tracking-impact-of-hong-kongs-national-security-law/>; Tibetan Centre for Human Rights and Democracy (TCHRD), Tibetan Political Prisoner Database, <https://tppd.tchrd.org/>; Xinjiang Victims Database, <https://shahit.biz/eng/>.

⁷ Working Group on Arbitrary Detention, “Definition of Arbitrary Detention,” <https://www.ohchr.org/en/about-arbitrary-detention> (accessed December 11, 2024)

⁸ Category II: When the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by articles 7 (equal before the law), 13 (freedom of movement), 14 (right to asylum), 18 (freedom of thought, conscience and religion), 19 (freedom of opinion and expression), 20 (freedom of peaceful assembly and association) and 21 (right to participate in public affairs) of the Universal Declaration of Human Rights and, insofar as States parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the International Covenant on Civil and Political Right.

⁹ Category III: When the total or partial non-observance of the international norms relating to the right to a fair trial, spelled out in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character.

CHRD strives to be as accurate and comprehensive as possible in our documentation. We face serious challenges in accessing information due to Chinese government actions. Despite requests from UN human rights mechanisms, the Chinese government restricts access to information about criminal justice, including the charges and verdicts against human rights defenders, sometimes classifying that information as a “state secret” without basis.¹⁰ In the past few years the Chinese government has removed millions of online court verdicts,¹¹ government statistics and data,¹² and restricted access to parts of China’s largest academic database.¹³ It has blocked access to Chinese government sites from overseas websites,¹⁴ forced the removal of media articles and banned accounts of online commentators,¹⁵ and arrested and imprisoned HRDs and journalists who documented and reported on human rights violations inside the country.¹⁶

¹⁰ See for example, the most recent Concluding Observations from the Committee Against Torture in 2015. “Recalling its previous recommendations ((see CAT/C/CHN/CO/4, paras. 16 and 17), the Committee remains concerned at the use of State secrecy provisions to avoid the availability of information about torture, criminal justice and related issues... the Committee expresses concern at the State party’s failure to provide a substantial amount of data requested by the Committee in the list of issues and during the dialogue...” CAT/C/CHN/CO/5, paras. 30 and 31.

¹¹ The total verdicts posted online had dropped from 19.2 million in 2020 to 5.11 million in 2023. In particular, verdicts were removed on death penalty, national security charges, “picking quarrels and provoking trouble” charges, and human trafficking cases which includes charges frequently used against PoCs. Laurie Chen, “China vows judicial disclosure after outcry over plan to curb access to rulings”, January 22, 2024, Reuters, <https://www.reuters.com/world/china/china-vows-judicial-disclosure-after-outcry-over-plan-curb-access-rulings-2024-01-22/>.

¹² Pak Yiu, “China’s Xinjiang obfuscates trade data after U.S. import ban”, December 19, 2022, Nikkei Asia, <https://asia.nikkei.com/Politics/International-relations/US-China-tensions/China-s-Xinjiang-obfuscates-trade-data-after-U.S.-import-ban>; Claire Fu, “China Suspends Report on Youth Unemployment, Which Was at a Record High”, August 15, 2023, New York Times, <https://www.nytimes.com/2023/08/15/business/china-youth-unemployment.html>.

¹³ Access was restricted to the China National Knowledge Infrastructure (CNKI) platform from April 1, 2023 to mid-March 2024 for a national security audit. While some access was restored, it is unclear if any content was removed. “Database shuts out foreign researchers in ‘security’ move”, 30 March 2023, University World News, <https://www.universityworldnews.com/post.php?story=20230329194656185>; Cheng Yu Tung East Asian Library, “Update on Access to Certain CNKI Content Types Restored”, March 25, 2024, University of Toronto, <https://east.library.utoronto.ca/eal-newsletter/update-access-certain-cnki-content-types-restored>.

¹⁴ Kai von Carnap, “The increasing challenge of obtaining information from Xi’s China”, February 15, 2024, Mercator Institute for China Studies (MERICS), <https://merics.org/en/report/increasing-challenge-obtaining-information-xis-china>, pp. 17-9.

¹⁵ The Chinese government orders the systematic censorship of domestic traditional and social media sites and punishes companies for failing to censor enough information. See for example, Tom Hancock, “Chinese Media Deletes Article on Surge in Cremations After Covid,” July 18, 2023, Bloomberg, <https://www.bloomberg.com/news/articles/2023-07-18/chinese-media-deletes-article-on-surge-in-cremations-after-covid>; William Zheng, “China mutes law professor on social media after cybersecurity ID plan criticism,” August 8, 2024, South China Morning Post (SCMP), <https://www.scmp.com/news/china/politics/article/3273657/china-mutes-law-professor-social-media-after-cybersecurity-id-plan-criticism>.

¹⁶ For example, CHRD, “Chinese Authorities Wrongfully Imprisoned Huang Qi and Should Release Him”, July 30, 2019, <https://www.nchrd.org/2019/07/chinese-authorities-wrongfully-imprisoned-huang-qi-and-should-release-him/>; CHRD, “China: Release Liu Feiyue and Decriminalize Human Rights Activism”, January 29, 2019, <https://www.nchrd.org/2019/01/china-release-liu-feiyue-and-decriminalize-human-rights-activism/>; CHRD, “Free Activist Zhen Jianghua, Stop Criminalizing Human Rights Advocacy”, September 21, 2017, <https://www.nchrd.org/2017/09/free-activist-zhen-jianghua-stop-criminalizing-human-rights-advocacy/>; CHRD, “Portrait of a Defender - Lu Yuyu (卢昱宇)”, <https://www.nchrd.org/2017/02/lu-yuyu/> (accessed January 12, 2025); Reporters without Borders, “China” <https://rsf.org/en/country/china> (accessed January 12, 2025).

Consequently, the data in our Prisoner of Conscience Database is likely an undercount, and the true number of arbitrary detentions is higher. In some findings in the report, the number of sentences appear to go down or there are no cases in some years. During the period covered (2019-2024), national trends showed arrests declining every year since 2019, which may be connected to Covid-19 lockdowns, and match CHRDR's data.¹⁷ In Hong Kong, the National Security Law came into force in 2020, and it took several months for cases to work through the legal system. Many documented prison sentences in the Uyghur region took place in 2017-2018, and the period covered for this report begins after this timeframe. CHRDR adds cases retroactively to our database when information becomes known about individuals; the Chinese government controls information so tightly that we may only receive information months or even years after developments in a case.¹⁸

Ultimately, the onus is on the Chinese government to clarify the whereabouts, wellbeing, and charges against anyone deprived of their liberty.

International and Chinese Law

Arbitrary detention is prohibited under international human rights law. International law guarantees that no one shall be subjected to arbitrary arrest or detention.¹⁹

The Chinese government has ratified international treaties such as the Convention against Torture (CAT) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), which affirm the rights to a fair trial, including the principle of legal certainty, freedom from torture, and prohibition against discrimination against women and racial groups, including the right to equal treatment before tribunals.²⁰ The Chinese government also has international legal obligations under the International Covenant on Civil and Political Rights (ICCPR), which it signed but has not yet ratified.²¹ The ICCPR protect the rights to freedom of religion, expression, peaceful assembly, association and political participation, among others.

¹⁷ CHRDR reviewed the Supreme People's Procuratorate (SPP) Work Reports for 2019-2023.

¹⁸ See, CHRDR, "If I Disobey, My Family Will Suffer:" Collective punishment of human rights defenders' families in China," April 15, 2024, <https://www.nchrd.org/2024/04/if-i-disobey-my-family-will-suffer-collective-punishment-of-human-rights-defenders-families-in-china/>.

¹⁹ International Covenant on Civil and Political Rights, Article 9.

²⁰ International treaties have a two-step process through which a state first signs the treaty and expressing its intent to be bound by it and then ratifying the treaty which makes it legally binding on the state. In becoming party to these treaties, the Chinese government has recognized the existence of China's obligations under international law to protect these rights. The list of treaties that Beijing is party to include: International Covenant on Civil and Political Rights, signed by China in 1998 but not ratified (extended to Hong Kong in 1976 by UK and remained in force after 1997 handover); Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified by China in 1988 (extended to Hong Kong in 1992 by UK and remained in force after 1997 handover); Convention on the Elimination of All Forms of Discrimination against Women, ratified by China in 1980 (extended to Hong Kong in 1996 by UK and remained in force after 1997 handover); International Convention on the Elimination of All Forms of Racial Discrimination, acceded by China in 1981 (extended to Hong Kong in 1997 by China).

²¹ Under Article 18 of the Vienna Convention on the Law of Treaties, a signatory of a treaty is obliged to refrain from taking actions that would defeat the objectives and purposes of the treaty.

Under Hong Kong's Basic Law, the territory's mini-constitution, the ICCPR and ICESCR remain in force under local law.²²

International human rights standards also clarify the circumstances under which governments may limit certain rights on national security grounds. The Siracusa Principles on the Limitation and Derogation of Provisions in the ICCPR ("Siracusa Principles") and the Johannesburg Principles on National Security, Freedom of Expression and Access to Information ("Johannesburg Principles") are two such internationally recognized standards. It is an established principle that national security may be invoked as a legitimate aim in the restriction of rights only when the aim is to protect the existence of the nation or its territorial integrity or political independence *against force or the threat of force* (emphasis added).²³ According to these Principles, "National security cannot be used as a pretext for imposing vague or arbitrary limitations and may only be invoked when there exist adequate safeguards and effective remedies against abuse."²⁴

The Siracusa Principles further state: "The systematic violation of human rights undermines true national security and may jeopardize international peace and security. A state responsible for such violation shall not invoke national security as a justification for measures aimed at suppressing opposition to such violation or at perpetrating repressive practices against its population."²⁵

The Johannesburg Principles also state it is not legitimate to restrict rights on national security grounds to prevent "embarrassment or exposure of wrongdoing, or to conceal information about the functioning of its public institutions, or to entrench a particular ideology, or to suppress industrial unrest."²⁶ Only expression that is intended and likely to incite imminent violence and where there is a direct connection between the expression and likelihood of violence is considered expression that may threaten national security.²⁷

As extensive documentation of legal cases against HRDs, dissidents, and religious and ethnic groups demonstrates, the Chinese government systematically violates these human rights standards by criminalizing peaceful expression criticizing government policies, individuals with certain religious or ethnic identities, or those who advocate for democracy and human rights as threats to national security.

The ICCPR's principle of legal certainty requires criminal laws to be precise and clear on what conduct constitutes a criminal offense and the penalty imposed for such an act.²⁸ Provisions in China's Criminal Law, particularly on national security, terrorism or the offense of "picking quarrels and provoking trouble," and Hong Kong's National Security Law have been criticized

²² Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, Article 39.

²³ Siracusa Principles, 1985, Principle 29; Johannesburg Principles, 1996, Principle 2(a).

²⁴ Siracusa Principles, 1985, Principle 31.

²⁵ Siracusa Principles, VI, 32.

²⁶ Johannesburg Principles, Principle 2(b).

²⁷ Johannesburg Principles, Principle 6.

²⁸ ICCPR, Article 15(1).

by international human rights bodies for being vague, imprecise, and overly broad in violation of this principle.²⁹

Chapter II of China's Constitution stipulates that all citizens have "fundamental rights." It states that all Chinese citizens are "equal before the law" and that "every citizen shall enjoy the rights prescribed by the Constitution" and the "state shall respect and protect human rights."³⁰ It guarantees rights to "freedom of speech, the press, assembly, association, procession and demonstration"³¹ and the right to freedom of religious belief.³²

The Constitution also states under Article 37 that Chinese citizens' "personal freedom...shall not be violated." It proceeds to guarantee that "No citizen shall be arrested unless with the approval or by the decision of a people's procuratorate or by the decision of a people's court, and arrests must be made by a public security organ. Unlawful detention, or the unlawful deprivation or restriction of a citizen's personal freedom by other means, is prohibited; the unlawful search of a citizen's person is prohibited."³³

Article 2 of the Criminal Procedure Law (CPL) requires the government to "correctly apply the law... guarantee that innocent people are not criminally prosecuted... respect and guarantee human rights" and to "protect citizens' rights in their person."³⁴ The CPL contains provisions that exclude evidence based on torture, affirm the right to defense counsel, rights of defense lawyers, and notification to families.³⁵

Chinese government and law enforcement officials systematically violate these rights and legal provisions. They subject human rights defenders, religious believers, members of marginalized communities including Tibetans and Uyghurs, and others to arbitrary detention, torture, and other ill-treatment. Yet officials enjoy near-total impunity.

Patterns of Arbitrary Detention between 2019 – 2024

CHRD's analysis of the CHRD Prisoner of Conscience (PoC) database, corroborated with data in other available databases where available, provide important evidence of the scale of repression.

²⁹ See for example, Committee on Economic, Social and Cultural Rights, Concluding Observations on the third periodic report of China, including Hong Kong, China, and Macao, China, March 22, 2023, E/C.12/CHN/CO/3, para. 16; Human Rights Committee, Concluding observations on the fourth periodic report of Hong Kong, China, November 11, 2022, CCPR/C/CHN-HKG/CO/4, paras. 12-13(a), 41-2; Committee on the Elimination of Racial Discrimination, Concluding observations on the combined fourteenth to seventeenth periodic reports of China (including Hong Kong, China and Macao, China), September 19, 2018, CERD/C/CHN/CO/14-17, paras. 36-37; Committee against Torture, Concluding Observations on the fifth periodic report of China, February 3, 2016, CAT/C/CHN/CO/5, paras. 36-37.

³⁰ Constitution of the People's Republic of China, 2018, Article 33.

³¹ Constitution of the People's Republic of China, 2018, Article 35.

³² Constitution of the People's Republic of China, 2018, Article 36.

³³ Constitution of the People's Republic of China, 2018, Article 37.

³⁴ Criminal Procedure Law of the People's Republic of China, 2018, Article 2.

³⁵ Criminal Procedure Law of the People's Republic of China, 2018, Articles 19, 52, 56 (exclude torture); Chapter IV (Defense Representation)

The sections below document patterns regarding the most frequently used charges, the lengths of sentences, and the profiles of PoCs.

Estimated number of PoCs sentenced and average prison sentences

During the period January 1, 2019 to December 31, 2024, 1,422 prisoners of conscience were sentenced on criminal charges in violation of their human rights in mainland China (excluding Hong Kong and Macao), according to CHRD’s documentation.³⁶ The scale of arbitrary detention is severe: over a thousand people are *known* to have received prison sentences for peacefully exercising their human rights, excluding those held in pre-trial detention or who were forcibly disappeared.³⁷ This data is likely an undercount due to the government’s restrictions on information, refusal to make information publicly available, and threats against families and lawyers of detainees for speaking out.

Year	Total Sentenced
2019	167
2020	315
2021	324
2022	261
2023	245
2024	110
Total	1422

Table 1: Prisoners of Conscience Sentenced to Prison in Mainland China, 2019-2024 (Source: CHRD)

Analysis of the CHRD data shows that the average prison sentence for PoCs during the period covered was six years. This excludes the most severe sentences handed down to PoCs: the death penalty and life sentences (more on these sentences below).

Year	Average sentence
2019	8.08 years
2020	6.27 years
2021	7.14 years
2022	3.47 years
2023	5.08 years
2024	6.18 years
Total	6.04 years

Table 2: Average prison sentences by year, excluding the death penalty and life sentences (Source: CHRD)

Behind these numbers are individuals convicted of crimes for peacefully exercising or advocating for human rights, including the freedom of expression, religious freedom, or trying to

³⁶ Hong Kong will be presented in a separate section, because it has a different legal system and Criminal Code from mainland China. CHRD’s database did not record any cases in Macau during the period covered.

³⁷ CHRD, “Hundreds Forcibly Disappeared in China: the Chinese Government Must Stop Making Rights Defenders and Critics Vanish,” August 29, 2024, <https://www.nchrd.org/2024/08/hundreds-forcibly-disappeared-in-china/>.

defend the rule of law. For example, they include Uyghur filmmaker Ikram Nurmehmet who was tortured and sentenced to 6.5 years in prison in 2024 on baseless charges of “organizing, leading, or participating in a terrorist organization” for studying film at Marmara University in Türkiye.³⁸ Another PoC is Tibetan monk and blogger Rinchen Tsultrim, who was sentenced to 4.5 years in prison in 2019 for using the Chinese social media app WeChat to talk to his sister in India.³⁹

Christian pastor Wang Yi, also one of the PoCs in the database, received a nine-year sentence in 2019 upon conviction of "inciting subversion of state power" and "illegal business operations" for leading the evangelical Early Rain Covenant Church.⁴⁰ Li Yuhan, a human rights lawyer, spent six years in pre-trial detention before being convicted in 2023 of “picking quarrels and provoking trouble” and “fraud” and sentenced to 6.5 years for her legal work defending human rights defenders (HRDs).⁴¹

Most frequently used criminal offenses against PoCs

In CHRDR’s database, the top three most commonly used criminal offenses against prisoners of conscience were “picking quarrels and provoking trouble,” “using a cult to undermine implementation of the law,” and crimes in the “endangering national security” category of the Criminal Law. Yet these only apply to 23 percent of the cases in CHRDR’s database. A staggering 77 percent of all the cases documented are missing the crime(s) for which the PoC has been prosecuted due to the restrictions on access to information.

Criminal Offense	2019	2020	2021	2022	2023	2024	Total
Picking quarrels and provoking trouble	21	36	32	16	12	4	121
Organizing and using a cult to undermine implementation of the law	12	23	10	17	9	3	74
Endangering national security crimes	8	13	8	10	14	5	58

Table 3: Three most frequently used criminal offenses against PoCs, 2019-2024 (Source: CHRDR)

The charge “picking quarrels and provoking trouble” (Article 293 of the Criminal Law) was used against over 100 individuals for peacefully exercising or defending human rights during the period covered. Chinese authorities often used this crime to obscure political persecution of human rights defenders. Chinese legal commentators have described the offense as a “pocket crime” (口袋罪), a “Chinese legal term first coined in 1979...[that] describes a crime category that is vague, broad, and can be open to interpretation and abuse by law enforcement authorities.”⁴²

³⁸ Ikram Nurmehmet (伊克拉木·努尔买买提), <https://tenchu.org/pocd/public/pocs/3870> (accessed 16 January 2025)

³⁹ Rinchen Tsultrim (仁青持真), <https://tenchu.org/pocd/public/pocs/1983> (accessed 16 January 2025)

⁴⁰ Wang Yi (王怡), <https://tenchu.org/pocd/public/pocs/873> (accessed 16 January 2025)

⁴¹ Li Yuhan (李昱函), <https://tenchu.org/pocd/public/pocs/518> (accessed 16 January 2025).

⁴² Andrew Methven, “‘Pocket crime’ — Phrase of the Week,” The China Project, September 15, 2023, <https://thechinaproject.com/2023/09/15/pocket-crime-phrase-of-the-week/>.

Case study 1: “Picking Quarrels and Provoking Trouble” Criminalizes Online Speech

The manner in which the right to freedom of expression is baselessly targeted with the criminal charge “picking quarrels and provoking trouble” is exemplified in the cases of internet commentator Ji Xiaolong and filmmaker Chen Pinlin, who have both been imprisoned for their online activity.⁴³

In October 2023, a Shanghai court sentenced Ji Xiaolong to 4.5 years in prison on this charge. The verdict against Ji characterized his publishing information to his 31,000 followers on Twitter (now “X”) about the Covid-19 lockdowns in Shanghai as “picking quarrels and provoking trouble.” In January 2025, another Shanghai court sentenced Chen Pinlin on the same charge to 3.5 years in prison. The charges stemmed from Chen’s having filmed the November 2022 White Paper protests and compiled the footage into a documentary.⁴⁴

The prosecutors in both cases made clear the cases against Ji and Chen were because of their online expression, accusing them of “spreading false information,” even though their posts were their opinions of factual news reports and video footage.⁴⁵



Filmmaker Chen Pinlin (left) & internet commentator Ji Xiaolong (right) (Source: Weiquanwang & X@citizenzjcn)

The scale and frequency with which authorities deploy this offense has led to domestic pushback. In February 2023, a delegate to the National People’s Congress, Zhu Zhengfu, said the law should be revised because “the definition...is too vague” and thus “frequently confused and

⁴³ CHR and The Rights Practice, “Communiqué Alleging Arbitrary Detention of Two Human Rights Defenders Ji Xiaolong and Chen Pinlin for Exercising Right to Freedom of Expression about COVID-19 Pandemic, Requesting Urgent Action and WGAD Review”, September 10, 2024, <https://www.nhrd.org/2024/09/chinese-human-rights-defenders-chrd-and-the-rights-practice-tp-communique-alleging-arbitrary-detention-of-two-human-rights-defenders-ji-xiaolong-and-chen-pinlin-for-exercising-right-to-freedom-of/> .

⁴⁴ Laurie Chen, “China COVID protest filmmaker sentenced to prison, former lawyer says,” January 7, 2025, Reuters, <https://www.reuters.com/world/china/china-covid-protest-filmmaker-sentenced-prison-former-lawyer-says-2025-01-07/> .

⁴⁵ CHR and The Rights Practice, “Communiqué Alleging Arbitrary Detention of Two Human Rights Defenders Ji Xiaolong and Chen Pinlin.”

easily abused in legal practice."⁴⁶ An August 2023 report by a Supreme People’s Court research division described a survey conducted by the court in two provinces, which found that the charge was being overused.⁴⁷ However, legal scholars still believe reform is unlikely because Chinese authorities are unlikely to give up such a useful legal provision to target dissent.⁴⁸

International human rights bodies have also criticized the offense of “picking quarrels and provoking trouble.” Five UN independent human rights experts wrote a letter to the Chinese government in September 2024 raising serious concern about the aforementioned cases of Ji Xiaolong and Chen Pinlin. They decried the use of the “vaguely worded provision[s]” and its “persistent use against human rights defenders to unduly criminalize their legitimate activities and exercising of their freedom of expression.”⁴⁹ In March 2024, the UN High Commissioner for Human Rights, Volker Turk, also called on the Chinese government to revise the “picking quarrels and provoking trouble” provision and release all HRDs, lawyers, and others detained under the law.⁵⁰

China’s Criminal Law stipulates that the maximum prison sentence for the offense of “picking quarrels and provoking trouble” is five years in prison. CHR D found that the average prison sentence meted out to prisoners of conscience for this crime was 3.66 years.

Year	Average sentence
2019	3.17 years
2020	2.86 years
2021	3.98 years
2022	4.38 years
2023	3.29 years
2024	4.25 years
Overall average	3.66 years

Table 4: Average prison sentence for “picking quarrels and provoking trouble” (Source: CHR D)

The second most frequently deployed criminal offense was “organizing and using a cult to undermine implementation of the law” (Article 300 of the Criminal Law), which is often used against members of religious groups, mostly Falun Gong practitioners. A judicial opinion in 2017 laid out the various situations in which Article 300 could apply, listing actions that are considered evidence of this crime, such as holding assemblies, producing flyers, or disseminating books that reach a certain number of people. These acts are clearly protected under international

⁴⁶ Zhu is also the deputy of the All-China Lawyers Association, a state-backed legal professional association, which has also introduced rules to restrict lawyers’ rights. “Legislator proposes revision of vague ‘picking quarrels’ law,” March 21, 2023, China Daily <https://www.chinadaily.com.cn/a/202303/21/WS64190f5ea31057c47ebb59f9.html>.

⁴⁷ 关于“新时代农村刑事犯罪对乡村振兴战略的影响”暨“寻衅滋事行为的刑事规制”课题在浙江、福建的调研报告, August 16, 2023, https://mp.weixin.qq.com/s/11tUo7X_LIqpnQ3AdYLnw.

⁴⁸ Luo Jiajian, “Picking Quarrels: The One Essential Charge in China.” November 5, 2023, US-Asia Law Institute, <https://usali.org/usali-perspectives-blog/picking-quarrels-the-one-essential-charge-in-china#>.

⁴⁹ Communication to Government of China from UN Special Procedures, AL CHN 12/2024, September 11, 2024, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=29315>.

⁵⁰ “Turk’s global update to the Human Rights Council,” March 4, 2024, OHCHR, <https://www.ohchr.org/en/statements-and-speeches/2024/03/turks-global-update-human-rights-council>

human rights law, including the rights to freedom of religious belief, freedom of expression, freedom of association, and freedom of assembly.⁵¹ China’s constitution only permits for state-approved practice of religion in “normal” ways and without foreign influence, leaving religions or faith organizations that the state does not approve of vulnerable to being targeted as “abnormal” and therefore illegal.⁵²

The offense of “organizing/using a cult to undermine implementation of the law” carries a prison sentence of three to seven years, unless the “circumstances are serious,” in which case a sentence of over seven years can be applied. The 2017 judicial interpretation of Article 300 lists when “serious” circumstances may lead to higher prison sentences, though the judicial interpretation itself is very broad and includes a catch-all provision that states “other situations where the circumstances are especially serious.”⁵³

Of the 76 PoCs imprisoned under Article 300 during the period covered, the available data shows that the average prison sentence was 4.57 years. Of these, 13 PoCs received sentences of over seven years, where authorities deemed the “circumstances were serious” and handed down sentences ranging between 7.5 to 10.67 years.

Year	Average sentence
2019	4.71 years
2020	4.78 years
2021	7.42 years
2022	4.72 years
2023	3.18 years
2024	2.60 years
Overall average	4.57 years

Table 5: Average prison sentence for “organizing/using a cult to undermine implementation of the law” (Source: CHRD)

The third most frequently used set of offenses were those under the category of “endangering national security” in the Criminal Law. This encompassed six crimes:⁵⁴

- “Separatism” (Article 103(1)⁵⁵)

⁵¹ “The Supreme People's Court and Supreme People's Procuratorate Interpretation on Several Issues Regarding the Applicable Law in Criminal Cases such as those of Organizing or Exploiting Cults to Undermine The Implementation of Law,” January 25, 2017, <https://www.chinalawtranslate.com/en/interpretation-on-criminal-cases-such-as-those-of-organizing-or-exploiting-cults-to-undermine-the-implementation-of-law/>.

⁵² Article 36 of the People’s Republic of China Constitution that enshrines the right to freedom of religious belief also stipulates “The state shall protect normal religious activities...Religious groups and religious affairs shall not be subject to control by foreign forces.”

⁵³ Article 3, Interpretation on Several Issues Regarding the Applicable Law in Criminal Cases such as those of Organizing or Exploiting Cults to Undermine The Implementation of Law.

⁵⁴ Terrorism/extremism crimes are listed in the category of “endangering public security” in China’s Criminal Law and thus CHRD has not included them in our analysis of national security. In Hong Kong, terrorism is covered by the National Security Law.

⁵⁵ Separatism “分裂罪” is also translated as “splittism” or “secession” (the latter is used in Hong Kong). For consistency, CHRD uses the term “separatism” for all usages in mainland China and Hong Kong.

- “Inciting separatism” (Article 103(2))
- “Subversion of state power” (Article 105(1))
- “Inciting subversion of state power” (Article 105(2))
- “Espionage” (Article 110), and
- “Leaking state secrets overseas” (Article 111).

Crime	Total
Separatism	11
Inciting separatism	3
Subversion	21
Inciting subversion	19
Espionage	1
Leaking state secrets overseas	3
Total	58

Table 6: Number of PoCs convicted of national security charges, 2019-2024 (Source: CHRD)

These crimes were codified in 1997 when China’s Criminal Code was amended. Authorities replaced the category of “counter-revolutionary” crimes with crimes “endangering national security.” The UN Working Group on Arbitrary Detention (WGAD) wrote in 1997, shortly after the criminal code was amended and after an official visit to China, that “The revised Criminal Law, in the context of the offenses endangering national security, makes no attempt to establish standards to determine the quality of acts that might or could harm national security...as long as it is part of the statute, it provides a rationale for restricting fundamental human rights and basic freedoms.”⁵⁶

The WGAD urged the Chinese government to revise the Criminal Law to bring it into conformity with international human rights standards. There is no publicly available evidence Beijing ever considered following this recommendation. (More on national security charges below).

Comparable data from the CECC and the Dui Hua Foundation show similar trends in the crimes frequently used to target prisoners of conscience. The CECC’s data for a coverage period of January 1, 2019 to October 28, 2024 recorded 690 individuals sentenced to prison. The CECC shows the same top three offenses, though CHRD found that the charge of “picking quarrels” was used more frequently than “organizing/using a cult to undermine implementation of the law.”

⁵⁶ “Report submitted by the Working Group on Arbitrary Detention - Visit to the People's Republic of China”, December 22, 1997, <https://www.refworld.org/reference/mission/unchr/1997/en/39259>, para. 48.

Crime	Total 2019-2024
Organizing and using a cult to undermine implementation of the law	125
Picking quarrels and provoking trouble	117
Endangering national security crimes	44

Table 7: Most frequently used criminal offenses in CECC’s Political Prisoners Database, 2019- Oct 2024 (Source: CECC)

The three most common criminal offenses in Dui Hua’s database, which records cases since 1980 and cannot be filtered by a similar coverage period, are “organizing/using a cult to undermine implementation of the law,” crimes in the category of “endangering state/national security,” and “picking quarrels and provoking trouble.”⁵⁷

Crime	Total
Organizing/using a cult to undermine implementation of the law	2,677
Endangering state security	835
Picking quarrels and provoking trouble	433

Table 8: Most frequently used criminal offenses in Dui Hua’s Political Prisoners Database, time period unknown (Source: Dui Hua)

Religious publications targeted as “illegal business activity”

CHRD documented cases of PoCs convicted of the crime “illegal business activity” (Article 225 of the Criminal Law), an offense in the category of “destroying the order of the socialist market economy.” The law is vague, with four potential categories of prohibited activity, including the catch-all “other illegal business operations that seriously disrupt the market order.” This crime has been used against individuals exercising their human rights over the years, include targeting individuals and organizations for publishing books, reports, and films.⁵⁸

⁵⁷ CHRD was unable to filter the data by time and Dui Hua states its database began in 2000 and includes 49,400 cases dating back to 1980. Email correspondence with Dui Hua, November 9, 2024; Data pulled from: Dui Hua, “Political Prisoner Database,” (accessed January 6, 2024), <https://duihua.org/resources/political-prisoners-database/>

⁵⁸ RSF, “Jailed cyber-dissident decides not to appeal against sentence,” November 26, 2007, <https://rsf.org/en/jailed-cyber-dissident-decides-not-appeal-against-sentence>; Edward Wong, “China Arrests Activist Amid a Clampdown”, January 6, 2015, New York Times, <https://www.nytimes.com/2015/01/07/world/asia/guo-yushan-arrest-china-chen-guangcheng.html>; Edward Wong, “Prison Sentence for Maker of Documentary on Chinese Constitutional Rule”, December 30, 2014, New York Times, <https://archive.nytimes.com/sinosphere.blogs.nytimes.com/2014/12/30/prison-sentence-for-maker-of-documentary-on-chinese-constitutional-rule/>

This charge has also been used to target church leaders not approved by the state for accepting or using donations or for printing or selling religious books.⁵⁹ During the coverage period, Chinese authorities further centralized government control over religion by criminalizing the publication and dissemination of religious materials, and imprisoning church leaders and faith practitioners with heavy prison sentences. Of the 16 people CHRD documented sentenced for “illegal business activity” during the coverage period, 12 were Christians prosecuted in relation to their religious activities.⁶⁰

Since the end of the Cultural Revolution and the “reform and opening” era of the early 1980s, people have gradually resumed spiritual practices outside of the five officially recognized and state-controlled religious groups. The Chinese Communist Party (CCP), officially atheist and its members forbidden from joining any religion, has always treated religion with suspicion as Christianity, Buddhism, Islam are tied to foreign entities, are a non-state method to organize communities, and represent a higher spiritual calling than the CCP ideology.

Under Xi Jinping, the CCP enforced a new policy of “Sinicization,” designed to expand CCP control of religion through a slew of new regulations issued since April 2016.⁶¹ In 2017, the government released revised Regulations on Religious Affairs, a national piece of legislation that codified the government’s conflation of religious activities with threats to national security and ordered that believers must follow “core socialist values.”⁶² In March 2018, the Chinese Community Party’s United Front Work Department took over control of the State Administration for Religious Affairs (SARA) government office, further cementing CCP control over religious practice.⁶³ Afterwards, SARA released a series of new regulations over religious groups, church or temple personnel, online religious service, worship venues, and regionally, such as in the Uyghur region which escalated persecution of Turkic Muslims on the basis of religion.⁶⁴

⁵⁹ “Illegal Business Activity” and Christian Bookstores, May 9, 2018, Dui Hua,

<https://www.duihuahrjournal.org/2018/05/illegal-business-activity-and-christian.html>

⁶⁰ Of the four PoCs sentenced for this crime who were not sentenced for their religious belief, those targeted include a freelance journalist who wrote about corruption, an entrepreneur and her husband who published lifestyle and cooking books and also vocally defended a critic of the CCP, an ethnic Kazakh who had an export business but was targeted during the crackdown on Turkic Muslims in Xinjiang. Li Xinde (李新德),

<https://tenchu.org/pocd/public/pocs/1567>; Geng Xiaonan (耿潇男), <https://tenchu.org/pocd/public/pocs/2708>; Qin Zhen (秦真), <https://tenchu.org/pocd/public/pocs/1633>; and

Serikjan Adelihan (塞力克江·阿德勒汗), <https://tenchu.org/pocd/public/pocs/1640>.

⁶¹ Xinhua, “Xi Jinping: Comprehensively improve the level of religious work under the new situation” [习近平：全面提高新形势下宗教工作水平, April 23, 2016,

https://web.archive.org/web/20240714092934/http://www.xinhuanet.com/politics/2016-04/23/c_1118716540.htm

⁶² Regulations on Religious Affairs, 2017 revision,

<https://web.archive.org/web/20240415060554/https://www.sara.gov.cn/static/content/flfg/2018-10-08/1181540556363268098.html>

⁶³ “The CPC Central Committee issued the “Plan for Deepening the Reform of Party and State Institutions” [中共中央印发《深化党和国家机构改革方案》], March 21, 2018,

https://web.archive.org/web/20240520030826/https://www.gov.cn/zhengce/2018-03/21/content_5276191.htm#1

⁶⁴ “Measures for the Administration of Religious Groups” (宗教团体管理办法), November 20, 2019,

https://web.archive.org/web/20240411164112/https://www.gov.cn/zhengce/zhengceku/2019-12/30/content_5538935.htm;

“Measures on the Management of Religious Professionals” (宗教教职人员管理办法), January 18, 2021, https://web.archive.org/web/20240106114258/https://www.gov.cn/zhengce/zhengceku/2021-02/09/content_5586371.htm;

“Measures for the Administration of Internet Religious Information Services” (互联网

Case study 2: Religious activity criminalized as an “illegal business”

The cases of two Christians, Ban Yanchao and Zhang Xiaomai, illustrate how authorities criminalize and impose heavy prison sentences for printing and selling religious books. In April 2024, Ban Yanchao received a 5-year prison sentence on charges of “illegal business activity” for printing Bibles and selling them in Inner Mongolia.⁶⁵ Zhang Xiaomai served a seven-year for “illegal business activity” before being released from prison in Zhejiang Province in April 2024. Zhang had run an online bookstore which bought Christian books in Taiwan and sold them in mainland.⁶⁶ Authorities accused Zhang of selling more than 12,000 books through an e-commerce website without a legal domestic book number and import license, and making an “illegal income” of 200,000 RMB (27,700 USD). After his arrest, authorities seized and destroyed the books. He also sold a book by Pastor Wang Yi called “The Coup of the Gospel”; Chinese police issued a summons to thousands of people who bought books from Zhang’s bookstore to return the book.



Christian pastor Kan Xiaoyong
(Source: Weiquanwang)

Religious activity to reach believers through modern technology have also been targeted by authorities. In January 2024, Christian pastor Kan Xiaoyong and church worker Chu Xinyu received 14- and 10-year prison sentences, respectively, on charges of “illegal business activity” and “organizing and using a cult to undermine enforcement of the law.”⁶⁷ Kan and his wife Wang Fengying, who also received a four-year sentence, had moved to Dalian in 2018 and set up the online preaching platform “Home Discipleship Network” (门训家园网), which became very popular.⁶⁸ Kan and Wang both raised allegations in court that they were tortured to force confessions, but the court took no action against police.

Under the Criminal Law, “illegal business activity” carries a potential sentence of five years in prison and a fine, unless the “circumstances are serious,” in which case a sentence above five years applies and a larger fine is levied. The average prison sentence of the 16 PoCs sentenced on charges of “illegal business activity” during the coverage period was 6.08 years.

宗教信息服务管理办法), March 1, 2022,

https://web.archive.org/web/20240416043959/https://www.gov.cn/zhengce/2021-12/20/content_5728896.htm;

“Measures for the Administration of Religious Activity Sites” (宗教活动场所管理办法), July 9, 2023,

https://web.archive.org/web/20240404213302/https://www.gov.cn/gongbao/2023/issue_10666/202308/content_6900867.html;

“Xinjiang Uyghur Autonomous Region Regulations on Religious Affairs” January 4, 2024,

<https://web.archive.org/web/20241111162702/https://www.sara.gov.cn/static/content/flfg/2024-01-08/1192784864353722368.html>

⁶⁵ Ban Yanchao (班颜超), <https://tenchu.org/pocd/public/pocs/3655> (accessed November 11, 2024)

⁶⁶ Zhang Xiaomai (张小麦), <https://tenchu.org/pocd/public/pocs/1380> (accessed November 11, 2024)

⁶⁷ Kan Xiaoyong (阚小勇) <https://tenchu.org/pocd/public/pocs/3502> (accessed November 7, 2024)

⁶⁸ Gao Feng, “Online pastor in China’s Dalian gets 14 years for ‘superstition’”, January 16, 2024, Radio Free Asia, <https://www.rfa.org/english/news/china/china-pastor-dalian-sentenced-01162024104334.html>

Year	Average sentence
2019	3.75 years
2020	7 years
2021	4.5 years
2022	N/A
2023	5.5 years
2024	9.67 years
Overall average	6.08 years

Table 9: Average prison sentence for “illegal business activity” (Source: CHRD)

Most severe sentences handed down: death and life imprisonment

CHRD documented three PoCs during the coverage period who received death sentences with a two-year reprieve, Tashpolat Tiyip, Sattar Sawut, and Yang Hengjun.⁶⁹ CHRD further documented two PoCs sentenced to life in prison, Rahile Dawut and Abdurazaq Sayim. Out of the 5 PoCs sentenced to death with reprieve or life imprisonment, four of them are ethnic Uyghur and all four are involved in Uyghur culture or education. The severity of these sentences reflects the harshness of the Chinese government’s “strike hard” campaign against Uyghurs and other Turkic communities. In an unprecedented August 2022 report, the UN’s Office of the High Commissioner for Human Rights assessed that the crackdown in the Uyghur region created an environment where religious or cultural practice or expression is conflated with “extremism,” and that the extent of arbitrary detention may constitute “crimes against humanity.”⁷⁰

In the Uyghur region, two professors at Xinjiang University were among many scholars targeted.⁷¹ In 2019, Tashpolat Tiyip, a professor of geography and the president of Xinjiang University, was reported to have been sentenced to death with a two-year reprieve for “separatism” by the Urumqi Intermediate Court, Xinjiang.⁷² Police detained him in 2017 at the airport on his trip to Germany to attend a conference with students and accused him of being a “two-faced person” (an accusation Chinese authorities use against officials, Uyghurs, and Tibetans who are suspected of being disloyal to the CCP.) The Chinese government told the UN

⁶⁹ Two-year reprieve on a death sentence in practice means an execution is not carried out and the sentence is converted to life imprisonment if the individual does not commit a crime during the two-year reprieve period.

⁷⁰ OHCHR, “OHCHR Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People’s Republic of China,” August 31, 2022, <https://www.ohchr.org/en/documents/country-reports/ohchr-assessment-human-rights-concerns-xinjiang-uyghur-autonomous-region>.

⁷¹ Uyghur Human Rights Project, “The Persecution of the Intellectuals in the Uyghur Region: Disappeared Forever?”, October 22, 2018, <https://uhrp.org/report/the-persecution-of-the-intellectuals-in-the-uyghur-region-disappeared-forever/>; Human Rights Watch, “Break Their Lineage, Break Their Roots”: China’s Crimes against Humanity Targeting Uyghurs and Other Turkic Muslims, April 19, 2021, <https://www.hrw.org/report/2021/04/19/break-their-lineage-break-their-roots/chinas-crimes-against-humanity-targeting>.

⁷² Tashpolat Tiyip (塔西甫拉提·特依拜), <https://tenchu.org/pocd/public/pocs/1218> (accessed November 11, 2024); “China urged to disclose location of Uyghur academic Tashpolat Tiyip,” December 26, 2019, <https://www.ohchr.org/en/press-releases/2019/12/china-urged-disclose-location-uyghur-academic-tashpolat-tiyip>.

in 2019 that he had been charged with accepting bribes and corruption, and had not been sentenced to death, but it has offered no other information about his whereabouts or status.⁷³



Uyghur Professor Rahile Dawut (Source: Lisa Ross)

In 2023, Dui Hua reported that Rahile Dawut, a globally recognized Uyghur ethnographer, had been sentenced to life imprisonment. Dawut disappeared in 2017 as the crackdown on Turkic Muslims in Xinjiang intensified; it is believed that she was sentenced in 2020 on charges of “separatism.” Rahile Dawut was a professor at Xinjiang University and had founded the Xinjiang Folklore Research Centre.⁷⁴ She is the only woman PoC known to have been sentenced to life imprisonment in CHRD’s database.

In another case, the author and several officials involved in approving an official Uyghur textbook received heavy prison sentences after the government later denounced the text as “inciting ethnic hatred” because of its reference to Uyghur literature and historical figures. In April 2021, Xinjiang High Court sentenced former Uyghur government official Sattar Sawut to death with a two-year reprieve on charges of “separatism” for being a “two-faced person” for his role in the education curriculum reform leading group that approved the Uyghur textbooks.⁷⁵ Other members of the curriculum group, including Uyghur official Abdurazaq Sayim were sentenced to life imprisonment on charges of “separatism.”⁷⁶ The author of the textbook, Yalqun Rozi, received a 15-year sentence for “subversion of state power.”⁷⁷

In February 2024, Australian Chinese writer Yang Hengjun was sentenced to death with a two-year reprieve on charges of “espionage” (Article 110 of the Criminal Law).⁷⁸ Yang, who was residing in the United States before he was detained, was arrested in January 2019 when he went to China to renew visas for his family. Police held him for two years, a period during which he said he was tortured, before putting him on trial behind closed doors in May 2021 when he pled

⁷³ Response from Government of China to UN Special Procedures, UA CHN 21/2019, 9 December 2019, <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=35039>.

⁷⁴ Rahile Dawut, (热依拉·达吾提), <https://tenchu.org/pocd/public/pocs/2153> (accessed November 11, 2024). “Rahile Dawut: A Lifetime Passion That Ended with a Life Sentence,” November 13, 2023, Made in China Journal, <https://madeinchinajournal.com/2023/11/13/rahile-dawut-a-lifetime-passion-that-ended-with-a-life-sentence/>.

⁷⁵ Sattar Sawut (沙塔尔·沙吾提), <https://tenchu.org/pocd/public/pocs/1642> (accessed November 11, 2024); “China hands death sentences to Uyghur former officials,” April 9, 2021, The Guardian, <https://www.theguardian.com/world/2021/apr/09/china-uyghur-death-sentences-xinjiang-education-directors>.

⁷⁶ Abdurazaq Sayim (阿布都热扎克·沙依木), <https://tenchu.org/pocd/public/pocs/2031> (accessed November 11, 2024).

⁷⁷ Yalqun Rozi (Yalqun Rozi), <https://tenchu.org/pocd/public/pocs/1217> (accessed November 11, 2024); “Long prison sentence for book-loving Uyghur who tried to preserve history and culture for kids Politics & Current Affairs,” October 5, 2023, The China Project, <https://thechinaproject.com/2023/10/05/long-prison-sentence-for-book-loving-uyghur-who-tried-to-preserve-history-culture-for-kids/>.

⁷⁸ Yang Hengjun (杨恒均), <https://tenchu.org/pocd/public/pocs/3735> (accessed November 11, 2024); “Australian writer's sentence upheld ahead of China Premier's visit, say supporters,” June 16, 2024, Reuters, <https://www.reuters.com/world/asia-pacific/australian-writers-sentence-upheld-ahead-china-premiers-visit-say-supporters-2024-06-16/>.

not guilty.⁷⁹ Before his arrest, he had written several articles critical of the Chinese authorities, which is believed to have led to his detention. The Australian government denied he was a spy and has called for his release and access to medical treatment.⁸⁰

Prison sentences of 10+ years

CHRD documented 48 prisoners of conscience sentenced to more than 10 years (not including those sentenced to death or life in prison) during the period covered. Twelve are women. Seven had been convicted of national security crimes including “leaking state secrets,” “separatism,” and “subversion”; three were sentenced on terrorism charges. For 15 of the individuals, the charges levied against them are unknown. The average prison sentence for those who received a 10+ year sentence is 13.5 years.

The longest sentences were handed out to four Uyghurs and Kazakhs, who were sentenced between 2019-2021 in the Uyghur region, and received 20-year or 25-year prison sentences. One of these individuals is the Uyghur businessman Iminjan Rahmitulla, who received a 20-year sentence in 2021 for “supporting terrorists” and “preparing for terrorism” because he donated money to the families of Uyghur political prisoners and donated “zakat” – an Islamic tradition of donating a portion of one’s wealth to those in need.⁸¹ His case is just one example that illustrates how false terrorism charges are weaponized against Turkic Muslims.⁸²

Lengthy sentences, unsurprisingly, are often the outcome of authorities charging the individuals with several crimes. Between 2020 to 2021, three prominent business leaders received lengthy sentences on multiple charges. In September 2020, a Beijing court sentenced real estate tycoon Ren Zhiqiang to 18 years in prison on charges of “corruption,” “bribery,” “embezzlement of public funds,” and “abuse of power by state-owned company personnel” after he wrote an essay critical of Xi Jinping’s handling of the Covid-19 pandemic.⁸³

In November 2020, a Chongqing court sentenced entrepreneur and philanthropist Li Huaqing to 20 years in prison on charges of “inciting subversion of state power,” “fraud,” “extortion,” and “illegal detention” for his WeChat activity. Authorities asserted that Li had used WeChat seven times to “spread rumors and slander others” to “overthrow the socialist system.” In fact, Li had

⁷⁹ Ben Doherty, “They tortured me,” Australian Yang Hengjun says as he awaits verdict after trial in China,” May 30, 2021, The Guardian, <https://www.theguardian.com/world/2021/may/31/they-tortured-me-australian-yang-hengjun-says-as-he-awaits-verdict-after-trial-in-china>.

⁸⁰ “Sentencing of Dr Yang Jun,” February 5, 2024, Minister for Foreign Affairs, <https://www.foreignminister.gov.au/minister/penny-wong/media-release/sentencing-dr-yang-jun>.

⁸¹ Iminjan Rahmitulla (伊敏江·拉赫米图拉), <https://tenchu.org/pocd/public/pocs/2161> (accessed November 11, 2024).

⁸² Communication from UN Special Procedures to Government of China, AL CHN 12/2022, December 19, 2022, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27725>.

⁸³ Ren Zhiqiang (任志强), <https://tenchu.org/pocd/public/pocs/1340> (accessed November 11, 2024); “Chinese Courts Punish Peaceful Expression while Environmental Activists Detained and 12 Hongkongers Charged,” October 5, 2020, <https://www.nchrd.org/2020/10/briefing-chinese-courts-punish-peaceful-expression-while-environmental-activists-detained-and-12-hongkongers-charged/>.

private conversations with friends, forwarded an article on WeChat about Chinese history, and expressed dissatisfaction with the government.⁸⁴

Another businessman, Sun Dawu, was sentenced to 18 years in prison in July 2021 by a Hebei court on multiple charges including "illegally absorbing public deposits," "picking quarrels and provoking trouble," "illegal mining," "gathering a crowd to attack state organs," "illegally occupying agricultural land," "forcing transactions," "disrupting production and operation," and "obstructing public service." Authorities brought the litany of charges against him in apparent retaliation for his public support of the prominent human rights defender Xu Zhiyong.⁸⁵



Businessman Sun Dawu (Source: VOA)

Xi Jinping's era of national security

CHRD documented a total of 58 individuals known to have been convicted of "endangering national security" crimes. It is the third most common category of crime used against prisoners of conscience. The overall average prison sentence for a national security crime is 6.72 years, though this figure excludes those sentenced to death with a two-year reprieve or life imprisonment. Only national security crimes resulted in extreme sentences of death or life in prison, which authorities handed down to four individuals on "separatism" charges and one on an "espionage" charge.

The two most commonly used national security charges are the offenses of "subversion" and "inciting subversion"; 40 individuals were convicted of these two crimes during the period covered. The UN Working Group on Arbitrary Detention first raised concerns in 1997 that the crimes of "subversion" and "inciting subversion" had a "broad and imprecise definition liable to be both misapplied and misused."⁸⁶ The WGAD further stated:

"Under Article 105, even communication of thoughts and ideas or, for that matter, opinions, without intent to commit any violent or criminal act, may be regarded as

⁸⁴ Li Huaiqing (李怀庆), <https://tenchu.org/pocd/public/pocs/1330> (accessed November 11, 2024); "China: End Escalating Persecution of Free Expression, Release Geng Xiaonan," February 11, 2021, CHRD, <https://www.nchr.org/2021/02/china-end-escalating-persecution-of-free-expression-release-geng-xiaonan/>.

⁸⁵ Sun Dawu (孙大午), <https://tenchu.org/pocd/public/pocs/1388> (accessed November 11, 2024); "The Chinese government must end its reprisals against agricultural entrepreneur and philanthropist Sun Dawu and his associates", July 14, 2021, CHRD, <https://www.nchr.org/2021/07/the-chinese-government-must-end-its-reprisals-against-agricultural-entrepreneur-and-philanthropist-sun-dawu-and-his-associates/>.

⁸⁶ UN Commission on Human Rights, "Report submitted by the Working Group on Arbitrary Detention - Visit to the People's Republic of China," December 22, 1997, <https://www.refworld.org/reference/mission/unchr/1997/en/39259>, para. 45.

subversion. Ordinarily, an act of subversion requires more than mere communication of thoughts and ideas."⁸⁷

“Inciting subversion” is essentially a speech crime, one in which authorities criminalize an individual’s comments or disagreements with the government as a threat to national security. Despite nearly three decades of concerns raised repeatedly by the WGAD, the Chinese government continues to use these criminal charges to violate people’s rights.

The sentencing guidelines for the crime of “subversion” and “inciting subversion” are also very broad. An individual convicted of “subversion” and considered a ringleader must receive a sentence between 10 years and life imprisonment, though the minimum sentence is three years. “Inciting subversion” carries a maximum sentence of five years, unless the individual is considered a ringleader, in which case a sentence of over five years should be applied, according to the guidelines.

CHRD’s analysis of the available data shows that the average prison sentence for “subversion” for PoCs was 5.84 years. The average prison sentence for “inciting subversion” was slightly lower at 5.43 years. While the average sentences were similar for the two charges, this was in part because two individuals received heavy sentences of 9 and 20 years for “inciting subversion” and other charges. Individuals convicted of “subversion” in the database did not have multiple charges levied.

Subversion cases often involved groups of individuals, with a so-called “ringleader” getting the heaviest sentence. For example, five people received sentences in Guangzhou in 2023 for having dinners and discussing political affairs, which authorities claimed constituted forming a political party.⁸⁸ One received a 12-year sentence while the other four received sentences ranging from 4 to 2.5 years.

Next are two case studies that exemplify how the Chinese government uses these crimes to target human rights advocacy.

⁸⁷ “Report submitted by the Working Group on Arbitrary Detention - Visit to the People’s Republic of China,” December 22, 1997, para. 46.

⁸⁸ RFA, “China Detains Five Prominent Democracy Activists in Guangzhou Crackdown,” November 24, 2020, <https://www.rfa.org/english/news/china/detains-11242020105847.html>.

Case Study 3: How the state views civil rights advocacy as a crime of subversion



Legal scholar Xu Zhiyong (left) & human rights lawyer Ding Jiayi (right) (Source: Reuters)

Xu Zhiyong is a prominent human rights activist and legal scholar. In the early 2000s, Xu founded the “Open Constitution Initiative” (Gongmeng, 公盟), a pro-democracy movement which later spawned the “New Citizen’s Movement,” a loose grouping of human rights defenders advocating for democratic and rule-of-law reforms, constitutionalism, human rights, and social justice. Human rights lawyer Ding Jiayi took part in New Citizen’s Movement activities with Xu, and both were jailed in 2014.⁸⁹

Xu and Ding continued their pro-rights work after being released from prison in 2017 and 2016, respectively. They attended an informal gathering of activists and lawyers in southern Fujian province in December 2019; the group discussed ideas like democracy and rule of law. Authorities detained both of them in a subsequent crackdown on the participants.

After enduring months of due process rights violations, including denial of access to a lawyer and torture, on April 10, 2023, Linshu County Court in Shandong sentenced Xu Zhiyong to 14 years in prison and Ding Jiayi to 12 years, both on charges of “subversion of state power.”⁹⁰ At his sentencing hearing, Xu Zhiyong spoke of his years spent fighting for democracy in China during a court statement. “For more than 30 years, from a teenager running in a snowstorm to an adult sitting in a prison cell waiting for daybreak, my life has

⁸⁹ “Travesty of Justice – Beijing’s Show Trials of Civil Society Leaders Xu Zhiyong, Zhao Changqing, & Others,” January 23, 2014, CHRDR, <https://www.nchrd.org/2014/01/travesty-of-justice-beijings-show-trials-of-civil-society-leaders-xu-zhiyong-zhao-changqing-others/>.

⁹⁰ “Joint Communique”, April 2, 2021, CHRDR, <https://www.nchrd.org/2021/04/chrd-follow-up-communicue-alleging-torture-or-cruel-inhumane-or-degrading-treatment-or-punishment-of-former-chinese-lawyer-ding-jiayi-activists-xu-zhiyong-li-qiaochu-and-lawyer-chang-weiping-durin/>.

been one arduous journey toward a dream that was also the dream of generations of Chinese before me.”⁹¹

Xu Zhiyong went on a hunger strike in October 2024 to protest against the ill-treatment and violations of his rights at Lunan Prison. He lost 10 pounds before discontinuing the protest.⁹² That same month, Ding Jiayi’s wife Luo Shengchun said that her husband had again been deprived of his right to communicate with his family.⁹³ Chinese prison authorities routinely use blocking family communication or visits to punish jailed human rights defenders.⁹⁴

Xu and Ding’s sentences are nearly triple the average prison sentence CHRDR recorded for the crime of “subversion” across five years. Xu and Ding are two of China’s most prominent activists and had previously been jailed for their human rights advocacy. These harsh sentences reflect how the Chinese government treats HRDs as recidivists and hands down heavy sentences for second offenses. These long prison sentences are also likely intended to serve as a signal to other HRDs of the repression they face for continuing to fight for human rights.

Case Study 4: When trying to speak with the European Union “incites subversion”

Human rights lawyer Yu Wensheng and activist Xu Yan are a married couple and prominent activists. Yu Wensheng was imprisoned from 2018-2022 after he was convicted of “inciting subversion” in 2018. His “crime”: releasing an open letter entitled “Citizens’ Suggestions on Constitutional Amendment.” The letter recommended changes to the constitution, including a call for fair elections and the creation of an oversight system for the Chinese Communist Party, among other reforms.⁹⁵ Xu Yan, who had not been politically active prior to her husband’s first arrest, began to actively campaign for his release and for the respect of his rights.

⁹¹ Xu Zhiyong, “A democratic China must be realized in our time, we cannot saddle the next generation with this duty” – Xu Zhiyong’s Court Statement,” April 9, 2023, <https://chinachange.org/2023/04/09/a-democratic-china-must-be-realized-in-our-time-we-cannot-saddle-the-next-generation-with-this-duty-xu-zhiyongs-court-statement/>

⁹² “Urgent Action: Provide Life-Saving Care to Prisoner of Conscience Xu Zhiyong during Hunger Strike,” October 24, 2024, <https://www.nchr.org/2024/10/urgent-action-provide-life-saving-care-to-prisoner-of-conscience-xu-zhiyong-during-hunger-strike/>.

⁹³ Rights Defense Network, “Imprisoned human rights lawyer Ding Jiayi is deprived of the right to communicate” [狱中人权律师丁家喜被剥夺通讯权], October 23, 2024, https://wqw2010.blogspot.com/2024/10/blog-post_40.html.

⁹⁴ CHRDR, “If I Disobey, My Family Will Suffer:” Collective punishment of human rights defenders’ families in China,” April 15, 2024, <https://www.nchr.org/2024/04/if-i-disobey-my-family-will-suffer-collective-punishment-of-human-rights-defenders-families-in-china/>.

⁹⁵ CHRDR, “Portrait of a defender – Yu Wensheng,” <https://www.nchr.org/2018/09/yu-wensheng/> (accessed November 18, 2024).

Police detained Yu and Xu on April 13, 2023, while en route to a meeting with European Union officials in Beijing. Originally charged with “picking quarrels and provoking trouble,” they were indicted on new charges of “inciting subversion of state power” in October 2023. In August 2024, they were tried by the Suzhou Intermediate People’s Court behind closed doors and convicted on October 29 of “inciting subversion.”⁹⁶



Activist Xu Yan (left) & human rights lawyer Yu Wensheng (right) (Source: X@xuyan709)

Court documents reviewed by CHRD make clear that authorities viewed their peaceful online criticism of the government on Twitter (now “X”) as evidence of a crime. Authorities said Yu Wensheng “incited subversion” by posting comments on Twitter that “spread rumors and slander,” and that Xu Yan also had “incited subversion” by reposting Yu’s letter “Citizens’ Suggestions” on her Twitter account.⁹⁷ Authorities left out that both had also tried to meet with diplomats, even though police took them into custody on route to the meeting with the EU diplomats, suggesting Chinese authorities wanted to block the meeting. Yu received a three-year prison sentence, and Xu Yan was sentenced to one year and nine months in prison. Xu Yan was released in January 2025 after completing her sentence.

Xu Yan’s treatment in detention may have amounted to torture or ill-treatment as she reportedly had been subjected to threats, bullying, beatings, cold temperatures, and forced to sit for long periods.⁹⁸ She lost 30 pounds due to substandard food. Xu’s and Yu’s son, who turned 18 just before their 2023 detention, faced a serious deterioration of his mental health over the years, and suffers from depression. Xu and Yu were transferred to Suzhou,

⁹⁶ US Department of State, “On the Sentencing of Human Rights Defenders Yu Wensheng and Xu Yan”, October 31, 2024, <https://china.usembassy-china.org.cn/on-the-sentencing-of-human-rights-defenders-yu-wensheng-and-xu-yan/>

⁹⁷ According to CHRD’s review of relevant indictment and verdict documents.

⁹⁸ Amnesty International, “Urgent Action – Activists Approaching One Year in Detention,” March 22, 2024, <https://amnestyusa.org/wp-content/uploads/2024/08/Ninth-UA-19.18-China.pdf>

600 miles from Beijing, which has exacerbated his isolation and the risk of further mental health impacts.⁹⁹

Hong Kong under the new national security regime

In June 2020, Beijing imposed the National Security Law (NSL) on Hong Kong in response to the mass pro-democracy protests in the territory. The NSL severely curtails Hongkongers' civil and political rights: protests are now banned, and civil society organizations and unions have disbanded out of fear of arrest. Newspapers have been raided, and hundreds of people arrested for peaceful protests or expression. The UN and governments called on Hong Kong authorities to repeal and not implement the law.¹⁰⁰ Instead, Hong Kong authorities enacted an additional "Safeguarding National Security Ordinance" (SNSO) in March 2024 under Article 23 of the Basic Law.

Under the NSL, HK's national security police have arrested hundreds of Hongkongers. Some are arrested for NSL crimes, for "sedition," or other offenses. The territory now has a growing population of prisoners of conscience. According to one count from Hong Kong Democracy Council (HKDC), there were 1,917 political prisoners in Hong Kong as of December 31, 2024.¹⁰¹ HKDC's figures include those convicted for the 2019 protests under existing Hong Kong laws, such as charges of "rioting" under the Crimes Ordinance.

CHRD analyzed data compiled by Georgetown University's Center for Asian Law (GCAL) and hosted on ChinaFile that tracks more closely the impact of the NSL, a law which was written in mainland China.¹⁰² As of November 14, 2024, GCAL/ChinaFile had tracked 303 individuals arrested for national security offenses, of whom 123 were sentenced on a national security charge during the period covered. 58 of these individuals were convicted of NSL offenses, or 47 percent of the total number of national security convictions in Hong Kong.

⁹⁹ "China Must Urgently Release Human Rights Lawyer Yu Wensheng and Activist Xu Yan — A joint statement," November 13, 2024, <https://www.nchrd.org/2024/11/china-must-urgently-release-human-rights-lawyer-yu-wensheng-and-activist-xu-yan-a-joint-statement/>.

¹⁰⁰ UN Press, "Top rights experts urge repeal of Hong Kong's national security law", July 22, 2022, <https://news.un.org/en/story/2022/07/1123432>; OHCHR, "Hong Kong SAR: Türk deplores use of national security laws", May 31, 2024, <https://www.ohchr.org/en/press-releases/2024/05/hong-kong-sar-turk-deplores-use-national-security-laws>; OHCHR, "Hong Kong: Grave concerns over sentencing under National Security Law", November 19, 2024, <https://www.ohchr.org/en/press-releases/2024/11/hong-kong-grave-concerns-over-sentencing-under-national-security-law>.

¹⁰¹ Hong Kong Democracy Council, "Hong Kong Political Prisoners Database - Political Prisoners as of December 31, 2024," <https://www.hkdc.us/political-prisoner-database> (accessed January 9, 2025).

¹⁰² GCAL/ChinaFile's methodology for inclusion in their database are (1) individuals arrested by the Hong Kong Police National Security Department; (2) arrested or charged with an NSL offense; (3) arrested or charged with a sedition-related offense, and (4) arrested or charged under the SNSO. GCAL/ChinaFile, "Tracking the Impact of Hong Kong's National Security Law," November 14, 2024, <https://www.chinafile.com/tracking-impact-of-hong-kongs-national-security-law> (accessed October 29, 2024).

Year	Hklers sentenced
2021	5
2022	32
2023	34
2024	52
Total	123

Table 10: Total number of Hongkongers sentenced on national security charges (Source: GCAL/ChinaFile)

The most common offense used to convict Hong Kong PoCs was “subversion.” In a single 2024 case, authorities convicted 45 individuals for taking part in a primary election—an activity wholly within Hong Kong people’s rights under domestic and international law. Subversion convictions alone make up 37 percent of the PoCs sentenced in Hong Kong during the period covered. In this single trial, Hong Kong authorities convicted more people of “subversion” than those known to have been convicted under this crime in mainland China during the same period. The message was clear: Beijing would take swift and harsh measures to crush any political opposition and protests wherever these occurred, even in Hong Kong, denying Hongkongers any legal and human rights. More about the case is below.

Case Study 5: Criminalization of primary election illustrates NSL’s wide-ranging impact on Hong Kong society

In May 2024, Hong Kong courts deemed an informal primary election held in July 2020 to be “subversion of state power” under Article 22 of the National Security Law. Of the 47 people prosecuted, 14 pled not guilty. In November, 45 received heavy prison sentences and two were acquitted.



Professor Benny Tai (Source: HK01)

The Hong Kong court handed down the longest prison sentence to Professor Benny Tai, who received 10 years as a “principal offender” for planning an election strategy to garner a pro-democracy majority in the Legislative Council. Tai pled guilty. The 14 who pled not guilty received harsh sentences, ranging from 6.6 to 7.25 years; those who pled guilty received sentences between 4.17 to 5.58 years.¹⁰³ The average sentence handed down was five and a half years.

The other 50 percent of PoCs in Hong Kong were primarily convicted of national security offenses that did not fall under the NSL, namely the offense of “sedition” that accounted for the convictions of 43 individuals. The crime of sedition, which was adopted in the 1930s under British colonial rule, was further entrenched in the national security criminal laws in Hong Kong with the passage of the SNSO under Article 23. Individuals convicted of sedition included

¹⁰³ Human Rights Watch (HRW), “Hong Kong: 45 Democracy Advocates Harshly Sentenced”, November 20, 2024, <https://www.hrw.org/news/2024/11/20/hong-kong-45-democracy-advocates-harshly-sentenced>

journalists, children’s book authors, and people who clapped in a courtroom.¹⁰⁴ Chloe Cho Suet-sum, a former school clerk, was the third person convicted of sedition. Her “crime” was putting up posters deemed to have insulted the judges in the first NSL case.¹⁰⁵ The judge presiding in her case sentenced her to 13 months in prison. He also told Cho that her conduct bordered on “inciting secession” under the NSL, reinforcing the close connection between non-NSL convictions to the NSL.

CHRD found that, in the GCAL/ChinaFile database (any errors are CHRD’s own), the average prison sentence in Hong Kong on NSL charges was 5.15 years, though overall the average was 3.17 years because of the shorter sentences handed down in sedition cases. The average prison sentence for sedition was 1.08 years (13 months).

Average prison sentence 2021-2024	
Overall	3.17 years
NSL charges	5.15 years
Sedition charges	1.08 years

Table 11: Average prison sentences in Hong Kong (Source: GCAL/ChinaFile, CHRD)

While the average sentence for sedition is lower than for NSL charges, the breadth of the targeted behavior—the vast majority of which is protected under international law—demonstrates how the Hong Kong government is using the offense to curtail free expression.

Following the introduction of the SNSO (Article 23), authorities have a wide leeway to hand down heavier penalties for sedition convictions. The first person convicted under the SNSO on sedition, for wearing a t-shirt with pro-democracy slogans, which was deemed “seditious,” received a 1.17-year sentenced (14 months).¹⁰⁶ While the maximum sentence is 10 years under the new law, the sentence is already heavier than the average under the previous law. This indicates that authorities likely will impose higher sentences under the SNSO.

“Subversion” offenses in mainland China vs Hong Kong

¹⁰⁴ Helen Davidson, “Hong Kong: Stand News journalists given jail terms for ‘sedition,’” September 26, 2024, The Guardian, <https://www.theguardian.com/world/2024/sep/26/hong-kong-stand-news-journalists-given-jail-terms-for-sedition>; John Yoon, “Hong Kong Sentences 5 to 19 Months for Children’s Books Deemed ‘Seditious,’” September 10, 2022, New York Times, <https://www.nytimes.com/2022/09/10/world/asia/hong-kong-childrens-books-free-speech.html>; Kanis Leung, “Hong Kongers who clapped in court jailed on sedition charges,” October 27, 2022, Associated Press, <https://apnews.com/article/hong-kong-government-and-politics-5268cf581cd78da5bd8d766d5c249c05>; Brian Wong, “Hong Kong clerk who insulted Chinese President Xi Jinping, called for downfall of Communist Party in online comments jailed for 4 months”, November 23, 2023, South China Morning Post, <https://www.scmp.com/news/hong-kong/law-and-crime/article/3242623/hong-kong-clerk-who-insulted-president-xi-jinping-called-downfall-communist-party-online-comments>.

¹⁰⁵ “Hong Kong man, woman jailed on sedition charges for insulting judges, advocating independence,” January 31, 2022, South China Morning Post, <https://www.scmp.com/news/hong-kong/law-and-crime/article/3165409/hong-kong-man-jailed-8-months-over-seditious-posters>.

¹⁰⁶ Hong Kong man sentenced to 14 months in jail for ‘seditious’ T-shirt,” September 19, 2024, Al Jazeera, <https://www.aljazeera.com/news/2024/9/19/hong-kong-man-sentenced-to-14-months-in-jail-for-seditious-t-shirt>.

Our analysis of available data shows that, during our coverage period of 2019 to 2024, 40 individuals were known to have been convicted of “subversion” and “inciting subversion” in mainland China and 48 were convicted in Hong Kong.

	Mainland China	Hong Kong
Subversion	21	45
Inciting subversion	19	3
Total sentenced	40	48

Table 12: Total convictions of “subversion” and “inciting subversion” in mainland China and Hong Kong (Source: CHR, GCAL/ChinaFile)

While there were more convictions for “subversion” offenses in Hong Kong, the two offenses – “subversion” and “inciting Subversion” – constituted 37 percent of all criminal convictions in the territory. Police in mainland China relied on a range of different offenses to convict PoCs, with national security charges making up the third most common type of charge and hundreds of PoCs convicted on unknown charges. As the two offenses have come under scrutiny since the late 1990s, mainland authorities have likely tried to divert international attention by deliberately using other crimes to convict PoCs.

	Mainland China	Hong Kong
Subversion	5.84 years	5.51 years
Inciting subversion	5.43 years	5.08 years

Table 13: Average prison sentence for “subversion” and “inciting subversion” in mainland China and Hong Kong (Source: CHR, GCAL/ChinaFile)

The average prison sentences for the two crimes were slightly longer in mainland China than in Hong Kong.

New regulation targets Taiwanese with national security charges

As Xi Jinping continues to pledge to use military force to seize Taiwan and unify it with the People’s Republic of China (PRC) under CCP rule, Beijing has ramped up efforts to label and punish Taiwanese citizens for their democratic activities in Taiwan.¹⁰⁷ While Taiwanese citizens have been arrested in China for their peaceful human rights activities in Taiwan for several years, new PRC legislation seeks to criminalize Taiwanese political and cultural expression in Taiwan as criminal acts of “separatism.”

In June 2024, Chinese authorities released new judicial guidelines labelling the acts of “Taiwan independence die-hards” as criminal offenses of “separatism” and “inciting separatism.”¹⁰⁸ The

¹⁰⁷ Nectar Gan, “Xi vows ‘reunification’ with Taiwan on eve of Communist China’s 75th birthday,” October 1, 2024, CNN, <https://www.cnn.com/2024/10/01/china/china-xi-reunification-taiwan-national-day-intl-hnk/index.html>

¹⁰⁸ Supreme People’s Court, Supreme People’s Procuratorate, Ministry of Public Security, Ministry of National Security, Ministry of Justice, “Opinions on Punishing Crimes of Separatism and Inciting Separatism by “Taiwan independence” Die-hards in Accordance with Law” (授权发布 | 最高人民法院 最高人民检察院 公安部 国家安全部 司法部印发《关于依法惩治“台独”顽固分子分裂国家、煽动分裂国家犯罪的意见》的通知), June 21, 2024,

guidelines lay out the types of activities in Taiwan that Beijing sees as criminal under PRC law. These encompass ordinary political activities, such as being involved in organizations that discuss Taiwan’s political status, holding referendums, or promoting Taiwan’s participation in international organizations. The guidelines authorize the use of trials in absentia and the death penalty, which could have a chilling effect for Taiwanese people, who enjoy democratic freedoms and political pluralism.



Taiwanese activist Yang Chih-yuan
(Source: Yang Chih-yuan Facebook)

In August 2024, shortly after the judicial opinion was issued, a court in Zhejiang province convicted former Taiwanese activist Yang Chih-yuan (杨智渊), 34, of “separatism” and sentenced him to nine years in prison.¹⁰⁹ Yang had joined the now-ruling Democratic Progressive Party (DPP) in 2008. He later joined the Taiwan National Party, which promoted Taiwan as an independent sovereign state. In early 2022, he moved to China and was not involved in political activities in either China or Taiwan and instead taught a strategy game. Police detained Yang in August and held him under “residential surveillance at a designated location” (RSDL). He wasn’t formally arrested until April 2023. Yang is reportedly the first Taiwanese person convicted of the charge “separatism” under the new judicial guideline.¹¹⁰

Taiwanese have been detained in China for their activities in Taiwan in the past, though previously many of the arrested individuals had taken part in some activities that involved politically sensitive issues in mainland China. In 2017, Taiwanese NGO worker Lee Ming-che (李明哲) was arrested, tried, and convicted of “subversion of state power” and sentenced to five years in prison in the first known public national security trial of a Taiwanese in China.¹¹¹ While Lee worked for an NGO in Taiwan that advocated for the release of Chinese political prisoners, he also promoted democratic ideas in Chinese online chat groups, sent political books to people in China, and helped Chinese dissidents.¹¹² He was detained after entering China from Macao. In April 2023, Taiwanese book publisher Li Yan-he, also known as Fu Cha, was detained in China on national security charges after he entered the country. His whereabouts and status remain unknown at the time of publication.¹¹³ He was known for publishing Chinese-language books critical of the CCP, and on human rights and political topics in China. According to Amnesty

<https://web.archive.org/web/20240621091212/http://www.news.cn/tw/20240621/7e14dff6f5554a7bafb7a388228b9e82/c.html>

¹⁰⁹ Yang Chih-yuan (杨智渊), <https://tenchu.org/pocd/public/pocs/3830> (accessed November 25, 2024)

¹¹⁰ HRW, “China: Free Taiwanese Political Activist: First ‘Separatism’ Charge a New Form of Long-Arm Intimidation”, September 10, 2024, <https://www.hrw.org/news/2024/09/10/china-free-taiwanese-political-activist> .

¹¹¹ Lee Ming-che (李明哲), <https://tenchu.org/pocd/public/pocs/488> (accessed November 25, 2024).

¹¹² Jin Gu, “A Conversation with Lee Ming-che: ‘I Was a Human Rights Worker Doing Field Research in Chinese Prison,’” August 13, 2023, Voice of America, <https://www.voanews.com/a/a-conversation-with-lee-ming-che-i-was-a-human-rights-worker-doing-field-research-in-chinese-prison-/6699734.html>.

¹¹³ Amy Chang Chien, “China Detains Taiwan-Based Publisher in National Security Investigation,” April 26, 2023, New York Times, <https://www.nytimes.com/2023/04/26/world/asia/china-taiwan-publisher-detained.html>.

International Taiwan and other Taiwanese NGOs, over 800 Taiwanese have been forcibly disappeared or arrested in China in the past 10 years.¹¹⁴

Chinese authorities have also started using sanctions that infringe on the rights and freedoms of Taiwanese. In October 2024, the Chinese government announced sanctions against businessman Robert Tsao and lawmaker Puma Shen for so-called “separatist” activities in Taiwan.¹¹⁵ Chinese authorities declared them “independence die-hards” for their association with a civilian defense training academy funded by Tsao and run by Shen called “Kuma (Black Bear) Academy.” The sanctions reportedly bar the two men from traveling to China, Hong Kong and Macau, and prevent businesses in China from cooperating with institutions affiliated with them.

Imprisoned women PoCs outnumber men PoCs

CHRD’s database records 820 currently imprisoned women PoCs out of a total of 1,422 people sentenced during the period covered, or 58 percent of all PoCs. According to the Chinese government, women make up 48 percent of the population.¹¹⁶ Women PoCs are overrepresented as Chinese prisoners of conscience.

Year	Women Sentenced	Total Sentenced	% Women
2019	92	167	55%
2020	175	315	56%
2021	185	324	57%
2022	167	261	64%
2023	138	245	56%
2024	63	110	56%
Total	820	1422	58%

Table 14: Total number and percentage of women PoCs by year (Source: CHRD)

This is particularly alarming given CHRD’s documentation of gender-based violence (GBV) against women human rights defenders (WHRD) in detention. CHRD interviewed 10 WHRDs in 2021 and 2022.¹¹⁷ They told CHRD of being forcibly strip-searched in police stations and detention facilities, often in front of male police officers and filmed by security cameras. The police clearly used humiliation and sexual abuse to punish WHRDs. Perpetrators have enjoyed impunity despite victims’ efforts to hold them accountable. Authorities have refused to

¹¹⁴ Michelle Chiang, “Amnesty International demands release of Taiwanese detained in China,” August 30, 2024, Radio Taiwan International, <https://en.rti.org.tw/news/view/id/2011650>

¹¹⁵ James Pomfret and Ben Blanchard, “China sanctions Taiwan businessman Robert Tsao and lawmaker for ‘separatist’ acts”, October 14, 2024, Reuters, <https://www.reuters.com/world/asia-pacific/china-sanctions-taiwan-businessman-robert-tsao-lawmaker-separatist-acts-2024-10-14/>.

¹¹⁶ National Bureau of Statistics of China, “Statistical Communiqué of the People's Republic of China on the 2023 National Economic and Social Development,” February 29, 2024, https://www.stats.gov.cn/english/PressRelease/202402/t20240228_1947918.html.

¹¹⁷ CHRD, “We strip you naked to crush your spirit!” –Gender-based State Violence & Reprisals against Women Human Rights Defenders in China,” July 31, 2023, <https://www.nchrd.org/2023/07/we-strip-you-naked-to-crush-your-spirit-gender-based-state-violence-reprisals-against-women-human-rights-defenders-in-china-2/>.

investigate unauthorized strip searches in these cases. In one emblematic case, WHRD Zhang Lifang filed a lawsuit against the Changmen Police Station in Fuzhou, Fujian province, alleging seven hours of unlawful forced detention in June 2017, deprivation of personal liberty, unlawful strip search, and an unlawful blood test; her lawsuit was dismissed by the court after a hearing in December 2018.¹¹⁸

Some women prisoners of conscience face multiple abuses. Authorities in Jilin province subjected a Falun Gong practitioner, Jiang Yongqin, to enforced disappearance, arbitrary detention, torture, and denial of her fair trial rights.¹¹⁹ These abuses aimed at punishing her for her religious practice, but as a women PoC, she also faced GBV. Jiang is serving a five-year prison sentence on unknown charges. She was initially detained in June 2022 and held in a hotel room, an extrajudicial temporary detention cell or “black jail,” and then a secret location. Jilin police tortured her during this period, including sexually assaulting and molesting her. Police poured hot mustard on her and choked her with smoke. Her lawyer filed complaints with judicial authorities and the state-run All-China’s Women’s Federation, but the complaints were ignored. Jiang was put on trial in June 2023. Authorities claimed that her lawyer had exposed information to overseas websites about Jiang’s mistreatment in custody to block the lawyer from representing Jiang in court. The latest information available to CHR is that Her family have not been able to communicate with her for over two years, and her present conditions are unknown.



Woman PoC Jiang Yongqin
(Source: Minghui)

Following the May 2023 review of China’s implementation of the international treaty on women’s rights, the UN Committee on the Elimination of Discrimination against Women raised concerns over the high number of women in detention “where they are at risk of gender-based violence, torture and abuse.” The Committee called on the Chinese government to reduce the number of women in detention and to shut down arbitrary detention facilities.¹²⁰ CHR’s findings show that the government has failed to implement this recommendation, as the figures for 2024 show a persistently high number of women PoCs.

¹¹⁸ Rights Defense Network, “福建公民张丽芳诉福州仓山区城门镇城门派出所非法强制拘禁、限制其人身自由，非法脱衣、验血案今日开庭” [Fujian citizen Zhang Lifang sued the Chengmen Police Station in Chengmen Town, Cangshan District, Fuzhou for illegal forced detention, restriction of personal freedom, illegal stripping and blood test. The case was heard today), December 7, 2018, https://wqw2010.blogspot.com/2018/12/blog-post_64.html.

¹¹⁹ Jiang Yongqin (姜永芹), <https://tenchu.org/pocd/public/pocs/3738> (accessed November 25, 2024).

¹²⁰ CEDAW, “Concluding observations on the ninth periodic report of China”, May 31, 2023, CEDAW/C/CHN/CO/9, <https://www.ohchr.org/en/documents/concluding-observations/cedawcchnco9-concluding-observations-ninth-periodic-report-china>, paras 57-8.

Case Study 6: WHRD paralyzed in jail, punished for documenting rights abuses



Activist Xu Qin
(Source: Weiquanwang)

Xu Qin is a leading member of two organizations— China Human Rights Observer and China Rose— which work to promote respect for human rights and reform of the legal and political system.¹²¹ She researched and wrote articles on human rights abuses, publicly called for the release of prominent detained HRDs, and attempted to attend the disbarment hearing of a human rights lawyer in January 2018, which prompted her first detention a few weeks later.¹²² After seven months in custody, including being held in “residential surveillance at a designated location” (RSDL), a form of secret detention, Xu was released on bail in September 2018.

Jiangsu police detained Xu again in November 2021 on charges of “inciting subversion.” Her detention was a revocation of bail she had been granted in 2018. Shortly before being detained in 2021, Xu had surgery and was recovering from a stroke and high blood pressure. Xu’s family repeatedly raised concerns about her health, and that she had suffered from torture and ill-treatment. In July 2022, her lawyer discovered that Xu had become paralyzed while in custody and was in poor physical health. After the news of her paralysis became public, detention center authorities denied the lawyer permission to visit her, and threatened her lawyer and her family with detention if they spoke out.

Xu finally went on trial in November 2022. Despite raising allegations of torture at the trial, her complaints were ignored by the presiding judge. When her lawyer visited her in detention in May 2023, he discovered she had contracted Covid-19 and was coughing up blood. Despite Xu’s ill health, the court postponed the resumption of her trial until 17 months after the first hearing. In March 2024, she was sentenced to four years in prison. Xu had to be held up by two people to stand or walk at the hearing.

According to the government, Xu’s peaceful criticism of the government constituted the crime of “inciting subversion of state power and of calling for the overthrow of the socialist system by means of the fabrication of rumors and slander.” Authorities denied that she had been tortured, but provided no evidence that an investigation had been conducted into Xu’s treatment in custody.¹²³

¹²¹ Communication from UN Special Procedures to Government of China, AL China, June 11, 2024, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=29124>;

¹²² CHRDR, “Portrait of a defender – Xu Qin,” <https://www.nchrd.org/2018/05/xuqin/> (accessed November 27, 2024).

¹²³ Response from Government of China to UN Special Procedures, CHN/HR/2024/55, August 7, 2024, <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=38569>.

Ethnic PoCs overrepresented in Chinese jails

CHRD's data shows overrepresentation of some ethnic groups as prisoners of conscience relative to the national population. This is clearest with respect to Tibetans, who despite making up just 0.5 percent of China's population account for over 8 percent of PoCs in CHRD's database.

The following table shows figures of all PoCs documented in CHRD's database (a total of 3,611 people), including those held in pre-trial detention, enforced disappearance, or sentenced before 2019.¹²⁴ Ethnicity of the PoCs documented in CHRD's database is not known for 60 percent of the cases. Despite these limitations, the data suggests disproportionate imprisonment of PoCs from some ethnic groups.

Ethnicity	# of cases	% in database	% of pop.
Han	1047	80.6	91.11
Tibetan	107	8.24	0.5
Kazakh	51	3.93	0.11
Uyghur	45	3.46	0.84

Table 15: Detention of ethnic groups by number and percentage in CHRD's PoC database compared to overall percentage of China's population (Source: CHRD, China Statistical Yearbook)

Uyghurs and Kazakhs, both Turkic Muslim groups residing in the Uyghur region, are also overrepresented as PoCs. Han Chinese PoCs, while making up the bulk of cases in the database, are underrepresented overall compared to their makeup of the population.

Tibetan PoCs overwhelmingly prosecuted on charges of "separatism"

CHRD documented 16 Tibetans sentenced during the period covered. The most common criminal offense used to target Tibetan political prisoners was "separatism" or "inciting separatism"; seven Tibetans were convicted of separatism and another two for "inciting separatism."



Tibetan entrepreneur Tenzin Choephel (Source: TCHRD)

The longest sentence was an 18-year term handed down to Tenzin Choephel, a Tibetan philanthropist and entrepreneur convicted in 2022.¹²⁵ Police detained him after searching him at the Lhasa airport where they found a portrait of the Dalai Lama and religious books in his possession. He was detained incommunicado for over a year before being convicted of multiple crimes including "inciting separatism," "illegally sending intelligence abroad," and "funding activities endangering national security."

¹²⁴ Other ethnic groups also recorded in CHRD's database includes Mongols (15), Manchu (10), Hui (9), Korean (7), Yi (4), Miao (1), Zhuang (1), Dong (1) and Tujia (1).

¹²⁵ Tenzin Choephel (丹增曲培), <https://tenchu.org/pocd/public/pocs/2644> (accessed November 27, 2024).

Tibetans 2019-2024	
Longest sentence	18 years
5 year average	6.02 years
Most common crime	Separatism

Table 16: Trends in sentencing and criminal offenses against Tibetans, 2019-2024 (Source: CHRD)

In total, CHRD documented 14 cases of PoCs convicted of “separatism” or “inciting separatism” during the coverage period. Of these, nine are Tibetan, or 65 percent of the total PoCs known to have been convicted of these criminal offenses. The other five PoCs convicted of “separatism” include four Uyghurs and a Taiwanese national.

CHRD analyzed data from the Tibetan Political Prisoners Database (TPPD) hosted by TCHRD and observed similar findings.¹²⁶ The TPPD documented 21 Tibetans sentenced during the same period of 2019 to 2024. The average prison sentence was 5.88 years, though in nine cases the sentences were unknown. Thirteen of the 22 individuals had been convicted of “separatism” or “inciting separatism.”

Uyghurs and Kazakhs face severe sentences

CHRD documented 14 Uyghurs and Kazakhs PoCs sentenced during the coverage period, of which 10 are Uyghur and 4 Kazakhs. Due to the nature of the crackdown in the Uyghur region CHRD has combined the figures of both ethnic groups in its analysis of the data. Many people from the Uyghur region were sentenced in the years prior to our period covered, particularly 2017-18 at the height of the crackdown.¹²⁷

Our analysis finds that Uyghur and Kazakh PoCs faced the most severe sentences, with two death sentences handed down during the coverage period. The average prison sentence was 15 years, more than double the national average.

Uyghurs/Kazakhs 2019-2024	
Harshest sentence	Death
Average sentence	15.06 years
Most common crime(2)	Terrorism/extremism
	Separatism

Table 17: Trends in sentencing and criminal offenses against Uyghurs and Kazakhs, 2019-2024 (Source: CHRD)

The most common criminal offenses used to target Turkic Muslims were charges of “terrorism” and “extremism” (5 individuals, all Uyghurs) and “separatism” (4 individuals, all Uyghurs). The data shows how on average, Turkic Muslims in Xinjiang are given longer average prison sentences than the national average.

¹²⁶ Tibetan Political Prisoners Database, <https://tppd.tchrd.org/> (accessed January 6, 2025).

¹²⁷ HRW, “China: Xinjiang Official Figures Reveal Higher Prisoner Count,” September 14, 2022, <https://www.hrw.org/news/2022/09/14/china-xinjiang-official-figures-reveal-higher-prisoner-count> .

CHRD also examined data documented by the Xinjiang Victims Database (shahit.biz) and found similar patterns.¹²⁸ That database had recorded a total of 32 Uyghurs and Kazakhs known to have been sentenced to prison during the same time period. Of these, the most frequently used criminal charges included five people prosecuted for “inciting ethnic hatred,” four for “gathering a crowd to disrupt social order,” and three for “separatism.” Similar to CHRD’s data, 16 individuals were sentenced for unknown crimes. The average prison sentences handed down during this period was nine years. The Xinjiang Victims Database also found that Han Chinese individuals documented in the database received lighter sentences than members of ethnic groups like the Uyghurs.¹²⁹

Older prisoners of conscience languishing

International human rights standards recommend states refrain from holding persons aged 60 years and older in places of deprivation of liberty because the risk to their mental and physical integrity is heightened.¹³⁰ Yet Chinese authorities are currently holding 741 older prisoners of conscience in custody, according to data contained in CHRD’s database. This includes those held in pre-trial detention, forcibly disappeared, and those sentenced before 2019. Two-thirds of the imprisoned older persons are women.

Imprisonment of older PoCs	
Men	243
Women	494
Unknown	4
Total	741

Table 18: Older (60 years+) prisoners of conscience deprived of liberty (source: CHRD)

The heaviest prison sentences recorded for older PoCs include five individuals given death sentences or life sentences, and 27 individuals sentenced to between 10 and 20 years in prison, which might effectively be tantamount to death sentences.

International human rights experts raised concerns in 2024 about the arbitrary detention of Hong Kong and British pro-democracy activist and businessman Jimmy Lai. Hong Kong police arrested Mr. Lai in 2020, and he has been held without bail for over four years, of which over 3.5

¹²⁸ Xinjiang Victims Database, <https://shahit.biz/eng/#filter> (accessed January 6, 2025).

¹²⁹ Xinjiang Victims Database, “-- example 12: lighter sentences for Han Chinese -- If we apply the “ethnicity: Han” filter to focus on the few hundred documented Han Chinese victims, we see that they are sentenced a lot less harshly, with an average sentence of less than 5 years. (33/45),” August 9, 2024, X Post, <https://x.com/shahitbiz/status/1821809335783358615>; See also, Ben Carrdus, “UHRP Analysis Finds 1 in 26 Uyghurs Imprisoned in Region With World’s Highest Prison Rate,” April 25, 2024, Uyghur Human Rights Project, <https://uhrp.org/insights/uhrp-analysis-finds-1-in-26-uyghurs-imprisoned-in-region-with-worlds-highest-prison-rate/>; HRW, “China: Baseless Imprisonments Surge in Xinjiang,” February 24, 2021, <https://www.hrw.org/news/2021/02/24/china-baseless-imprisonments-surge-xinjiang> .

¹³⁰ UN Working Group on Arbitrary Detention, “Deliberation No. 11 - Prevention of arbitrary deprivation of liberty in the context of public health emergencies”, July 24, 2020, A/HRC/45/16, annex II, para.15; WGAD, Opinion No. 34/2024 concerning Mr. Jimmy Lai Chee-ying (Hong Kong, China), September 26, 2024, A/HRC/WGAD/2024/34, para. 116.

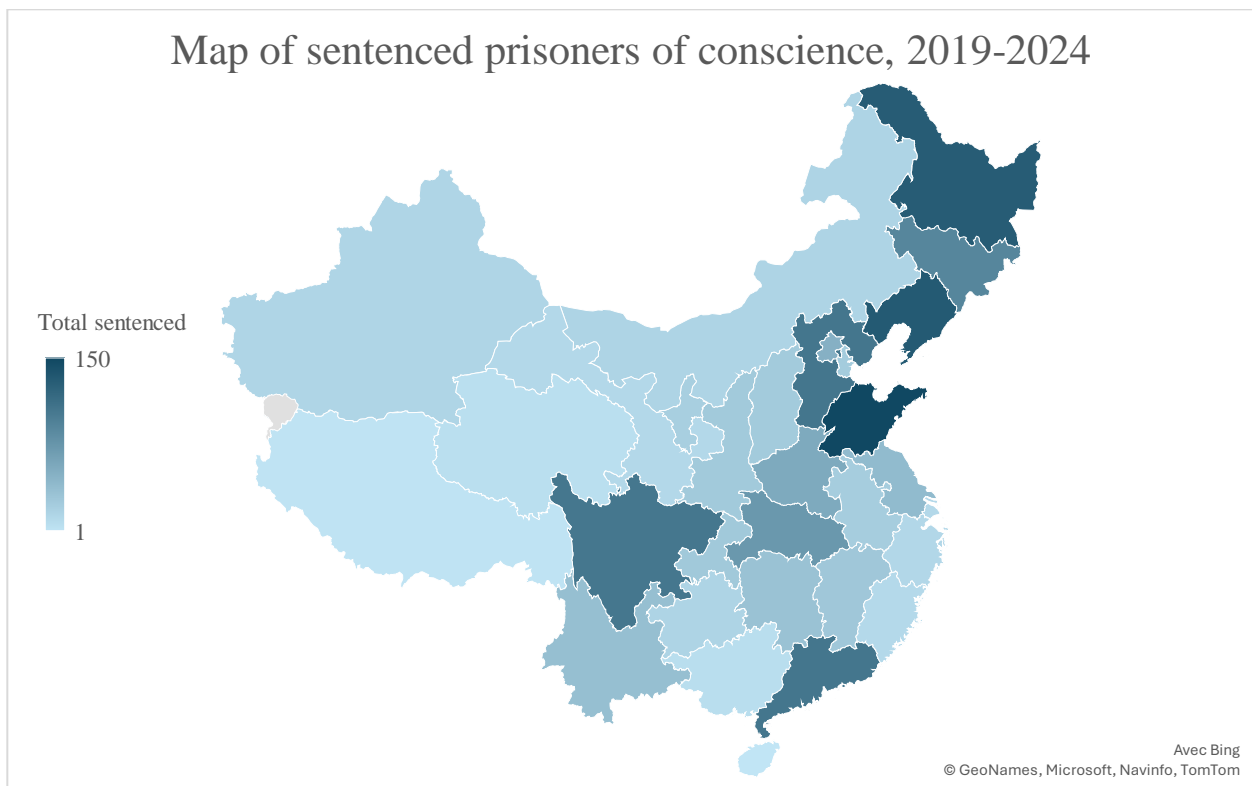
years have been spent in solitary confinement. Lai turned 77 on December 8, 2024, and faces a possible life sentence if convicted of the national security charges against him. The UN WGAD ruled in an opinion in August 2024 that Lai is being arbitrarily detained and called on authorities to release him.¹³¹



Businessman Jimmy Lai
(Source: Napa Institute)

Arbitrary detention used nationwide

CHRD has documented PoCs sentenced to prison in violation of their rights across all provinces, autonomous regions, municipalities, and special administrative regions including Hong Kong but excluding Macao between 2019 and 2024. Six provinces—Shandong, Liaoning, Heilongjiang, Guangdong, Sichuan and Hebei—and the special administrative region of Hong Kong all had over 100 PoCs sentenced during the period covered. Shandong had the highest number of PoCs at 150.



Map of sentenced PoCs across mainland China excluding Hong Kong and Macao (Source: CHRD)

¹³¹ WGAD, Opinion No. 34/2024 concerning Mr. Jimmy Lai Chee-ying (Hong Kong, China), September 26, 2024, A/HRC/WGAD/2024/34.

Arbitrary deprivations of liberty persist after release

Arbitrary deprivations of liberty against HRDs often continue even after their release. Many remain under close surveillance by authorities. These restrictions create a state of “non-release release.”¹³² HRDs leave the physical prison of incarceration only to enter another form of prison: life under strict police guard, with restricted movement and pervasive surveillance.¹³³ Former prisoners of conscience report severe limitations on employment, travel, housing, residence permits, passports, and access to social services. Police target both them and their families. These ongoing and extrajudicial punishments further isolate former prisoners, fosters self-censorship, and diminishes their capacity to expose the abuses they endured during imprisonment.

Section 7 of China’s Criminal Law establishes “deprivation of political rights” as a form of punishment for those sentenced to certain crimes, especially national security charges. After serving a prison sentence, an individual who has also been sentenced to a period of deprivation of political rights has their rights to freedoms of speech, assembly and association, voting in local elections and holding positions in government or state enterprises revoked. The deprivation period ranges from one to five years, except for those sentenced to death or life imprisonment, whose deprivation is indefinite.

Ministry of Public Security procedures outline eight sub-articles related to the deprivation of political rights. One provision states convicts must “obey national laws, administrative regulations, and relevant provisions drafted by the ministry, and accept supervision and management.”¹³⁴ However, the provision does not specify which laws, regulations, or provisions it refers to. This vagueness gives enforcement agencies broad discretion, allowing them to interpret and apply the rules in ways that serve their own interests, often to the detriment of former prisoners.

Between 2019 and 2024, nearly 50 formally released prisoners of conscience were subjected to deprivation of their political rights outside prison, with an additional 20 others whose sentences included such punishment.

Deprivation of Political Rights
48 PoCs served/ing deprivation of political rights sentence following release from prison, 2019-2024
20 PoCs in prison with additional deprivation of political rights sentence to serve following release

Table 19: PoCs subjected to deprivation of political rights (Source: CHRD)

¹³² The term “non-release release” was coined by scholar of Chinese law, Jerome A. Cohen. Jerry’s Blog, “The Many Faces of “Non-Release Release” in China”, April 4, 2020, <https://www.jeromecohen.net/jerrys-blog/the-many-faces-of-non-release-release-in-china>.

¹³³ As an example, Voice of America reported on activist Zhang Lin’s detention during his period of political rights deprivation. “安徽资深民运人士张林被剥夺生活权利” (Veteran Anhui pro-democracy activist Zhang Lin was deprived of his basic rights in life.), January 22, 2013, <https://www.voachinese.com/a/zhanglin-20130122/1588390.html>.

¹³⁴ Section 3, Public Security Organ Procedures for Handling Criminal Cases, Enacted January 1, 2013 <https://www.chinalawtranslate.com/en/public-security-organ-procedures-for-handling-criminal-cases/>.

For instance, lawyer Jiang Tianyong faced heavy monitoring for three years after his release in February 2019. Authorities stationed officers outside his parents' home, where he was dropped off after his release, followed him when he went out, and harassed him. Jiang, like others convicted of national security crimes, was subjected to a formal period of “deprivation of political rights” following his release.

Woman HRD Chen Jianfang completed a 4.5-year sentence for “inciting subversion” in October 2023, followed by a four-year term of deprivation of political rights. Authorities have closely monitored her, obstructing access to medical care and church services. Lawyer Wang Yu, who attempted to visit Chen, was harassed and stopped.¹³⁵ Lawyer Chang Weiping, released in July 2024 after serving a 3.5-year sentence for “subversion,” has been told not to travel overseas during the two years of deprivation of political rights.¹³⁶



NGO leader Cheng Yuan
(Source: X@MindyShi227)

NGO leader Cheng Yuan, released in July 2024 after serving a five-year sentence for “subversion,” faces five years of deprivation of political rights.¹³⁷ His wife, Shi Minglei, told CHRD that Cheng is under constant monitoring by state security officers and local police in Nanjing following his release, and he has been warned not to speak out or give media interviews. In November 2024, Cheng attempted to sell a property in Guangdong that he owned—a buyer had agreed to a price and was ready to finalize the transfer—when he discovered that his assets including the property had been frozen by Foshan authorities without notice or justification. Even once the notice freezing his assets had lapsed, he has remained unable to obtain the paperwork to transfer the property to the buyer. Cheng filed a request for information disclosure about the asset freeze order but has not received a response and at the time of publication has plans to pursue an administrative lawsuit. In December 2024, Ms. Shi said in a video that Cheng’s verdict included no economic penalties, making the property freeze baseless.¹³⁸ She attributed the ongoing harassment to the “political nature” of Cheng’s case, describing it as a deliberate effort by authorities to continue punishing him and his family.

Released PoCs, even when they are not subjected to formal deprivation of political rights, or the period of such deprivation is over, face persecution outside jail. Lawyer Li Yuhan, 73, was released in March 2024 after serving a 6.5-year sentence, during which she endured torture,

¹³⁵ Rights Defense Network, “人权律师王宇探访获刑4年半刑满出狱的上海人权捍卫者陈建芳遭阻拦并被传唤” [Lawyer Wang Yu blocked and summoned while visiting activist Chen Jianfang after her release from a 4.5-year sentence], March 22, 2024, https://wqw2010.blogspot.com/2024/03/4_22.html.

¹³⁶ Deutsche Welle, “中國律師常瑋平獲釋 人權團體憂持續遭監視” [Chinese lawyer Chang Weiping released, but rights groups fear ongoing surveillance], July 10, 2024, <https://www.dw.com/zh-hant/%E4%B8%AD%E5%9C%8B%E5%BE%8B%E5%B8%AB%E5%B8%B8%E7%91%8B%E5%B9%B3%E7%8D%B2%E9%87%8B-%E4%BA%BA%E6%AC%8A%E5%9C%98%E9%AB%94%E6%86%82%E6%8C%81%E7%BA%8C%E9%81%AD%E7%9B%A3%E8%A6%96/a-69612051>.

¹³⁷ Cheng Yuan (程淵) <https://tenchu.org/pocd/public/pocs/1203> (accessed February 19, 2025).

¹³⁸ Access to Ms Shi Minglei’s video (in Chinese), December 18, 2024, <https://x.com/MindyShi227/status/186922305984622329>.

causing severe health deterioration.¹³⁹ When she travelled to Beijing for medical care, police evicted her from a friend’s residence.¹⁴⁰



Citizen journalist Zhang Zhan
(Source: YouTube/AFP)

Citizen journalist Zhang Zhan, known for her coverage of COVID-19 in Wuhan, was detained again in August 2024, just three months after completing a four-year sentence for “picking quarrels.”

Following her May 2024 release, the authorities placed Zhang under close surveillance, with plainclothes officers attending her Bible study group and monitoring her activities.¹⁴¹ Despite repeated threats, she continued to raise awareness about human rights issues and assisted fellow HRDs. In June 2024, Shanghai police warned her against crossing “red lines,” threatening re-detention.¹⁴²

In August, police detained Zhang Zhan after she helped a fellow HRD secure legal representation. Shanghai Public Security Bureau’s Pudong district office formally arrested her with “picking quarrels,” the same offense for which she had served her previous sentence.¹⁴³ Authorities obstructed the lawyer her family chose from representing her.

Arbitrary detention in China may constitute crimes against humanity

The expert body in the UN system that determines whether a person is being arbitrarily detained is the UN Working Group on Arbitrary Detention (WGAD). In 2017, the WGAD first characterized the scope and scale of arbitrary detention by Chinese authorities as possible crimes against humanity. It has since repeated this warning in 25 subsequent opinions adopted and sent

¹³⁹ Li Yuhan (李昱函) <https://tenchu.org/pocd/public/pocs/518> (accessed February 19, 2025).

¹⁴⁰ Rights Defense Network, “刚刚获释的辽宁人权律师李昱函女士赴北京看病 借住王宇律师的朋友家 竟遭警方驱逐” [Recently released Liaoning rights lawyer Li Yuhan was expelled by police while staying at a friend's place in Beijing for medical treatment], April 15, 2024, https://wqw2010.blogspot.com/2024/04/blog-post_15.html.

¹⁴¹ Radio Free Asia, “公民記者張展失聯前受訪揭獄中不人道對待 強調是基督徒不會離開中國” [Citizen journalist Zhang Zhan exposed prison abuse before disappearing, affirming her faith and resolve to stay in China], September 10, 2024, <https://www.rfa.org/cantonese/news/china-zhang-zhan-christian-reporter-citizen-jail-journalist-covid-rights-lawyer-09092024105231.html>.

¹⁴² Radio France International, “中國公民記者張展遭警方傳喚威脅再遭關” [Chinese citizen journalist Zhang Zhan summoned by police and threatened with re-detention] June 13, 2024, <https://www.rfi.fr/tw/%E4%B8%AD%E5%9C%8B/20240613-%E4%B8%AD%E5%9C%8B%E5%85%AC%E6%B0%91%E8%A8%98%E8%80%85%E5%BC%B5%E5%B1%95%E9%81%AD%E8%AD%A6%E6%96%B9%E5%82%B3%E5%96%9A%E5%A8%81%E8%84%85%E5%86%8D%E9%81%AD%E9%97%9C>.

¹⁴³ Rights Defense Network, “著名人权捍卫者张展女士日前被正式批捕” [Renowned human rights defender Zhang Zhan was recently formally arrested], November 26, 2024, https://wqw2010.blogspot.com/2024/11/blog-post_26.html.

to the government.¹⁴⁴ In the most recent opinion, adopted in May 2024, WGAD reiterated its concern:

*“In its 30-year history, the Working Group has found China to be in violation of its international human rights obligations in numerous cases. The Working Group is concerned that this indicates a systemic problem with arbitrary detention in China, which amounts to a serious violation of international law. The Working Group recalls that, under certain circumstances, widespread or systematic imprisonment or other severe deprivation of liberty in violation of the rules of international law may constitute crimes against humanity.”*¹⁴⁵

Since 1993, the WGAD has issued 117 opinions that declared 312 people arbitrarily detained in China (including two individuals in Hong Kong).¹⁴⁶ It made no decision on the fate of 35 individuals for reasons including that they had been released, there was insufficient information, or the individual had died. (See Annex for full list of WGAD opinions on China.)

CHRD’s research, documenting the Chinese government’s widespread and systematic use of arbitrary detention, echoes the findings of the UN WGAD. This report documents over one thousand individuals imprisoned in violation of WGAD’s Category II, when the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

Under the Rome Statute, a crime against humanity includes “imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law...when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack.”¹⁴⁷

While the Chinese government has not signed or ratified the Rome Statute, crimes against humanity are considered customary international law, meaning that that even governments—including China’s—that have not signed or ratified the Rome Statute are still expected to comply with its provisions. OHCHR, in assessing the human rights situation in the Uyghur region, noted that “some human rights norms are also considered to constitute *jus cogens* or peremptory norms of international law, accepted and recognized by the international community of States as a

¹⁴⁴ Opinions No. 69/2017, No. 62/2018, No. 15/2019, No. 20/2019, No. 35/2019, No. 72/2019, No. 76/2019, No. 11/2020, No. 32/2020, No. 78/2020, No. 82/2020, No. 25/2021, No. 30/2021, No. 54/2021, No. 66/2021, No. 76/2021, No. 6/2022, No. 9/2022, No. 41/2022, No. 64/2022, No. 88/2022, No. 6/2023, No. 38/2023, No. 77/2023, No. 2/2024, No. 4/2024

¹⁴⁵ Human Rights Council, “Opinion No. 4/2024 concerning Abdülcabbar Celil Karluk, Suliya Tuerxun, Ailijiang Mamuti and Yasin Abdurrahman (China)*”, 8 May 2024, A/HRC/WGAD/2024/4, para. 76.

¹⁴⁶ The WGAD deliberated on 117 cases involving 332 people and in seven cases took no decision, involving 30 people in total. The reasons for not taking a decision included that the individual had been released, the source provided inconsistent information, or there were serious differences in the information from the source and the government.

¹⁴⁷ Article 7, Rome Statute of the International Criminal Court, <https://www.icc-cpi.int/sites/default/files/2024-05/Rome-Statute-eng.pdf>.

whole as a norm from which no derogation is permitted under any circumstances...including crimes against humanity.”¹⁴⁸

UN Working Group on Arbitrary Detention’s opinions over the past 30 years demonstrate that arbitrary detention is widespread and systematic, affecting many different groups in Chinese society. This includes ethnic or religious communities, dissident intellectuals, lawyers, health and labor right advocates and workers. The WGAD’s rulings on over 300 individuals in China cases include Tibetan shopkeeper and language activist Tashi Wangchuk, who was imprisoned for five years in 2017 for advocating for greater Tibetan language instruction in schools.¹⁴⁹ Despite the WGAD calling on China to release Tashi Wangchuk immediately and unconditionally, he was only released after serving his full sentence and faced ongoing surveillance and harassment outside prison, and he was detained again in October-November 2024 for 15 days.¹⁵⁰ The WGAD’s opinion on Tashi Wangchuk was the first instance when the experts raised concerns about possible crimes against humanity in China.



*Tibetan activist Tashi Wangchuk
(Source: TCHRD)*

In the past ten years, some of the individuals that the Working Group on Arbitrary Detention determined had been deprived of their liberty have included Uyghurs held in re-education camps and prisons due to their Uyghur identity and travel history.¹⁵¹ A labor and women’s rights activist was determined to have been arbitrarily detained for providing legal and community support for former construction workers who have contracted chronic illnesses and supporting the #MeToo movement in China.¹⁵² WGAD also determined that the involuntary confinement of a worker in a psychiatric hospital in retaliation for speaking out about corruption and the privatization of a state-owned company where he once worked was arbitrary.¹⁵³

The Working Group issued two opinions on Chinese Nobel Peace Prize Laureate Liu Xiaobo, in 1999 and 2011, determining in both instances he had been arbitrarily detained for writing open

¹⁴⁸ OHCHR, “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>, para. 6.

¹⁴⁹ Human Rights Council, “Opinion No. 69/2017 concerning Tashi Wangchuk (China)”, 7 December 2017, A/HRC/WGAD/2017/6.

¹⁵⁰ International Campaign for Tibet, “Tibetan language rights activist Tashi Wangchuk detained again for “slandorous” videos on Chinese TikTok,” November 14, 2024, <https://savetibet.org/tibetan-language-rights-activist-tashi-wangchuk-detained-again-for-slandorous-videos-on-chinese-tiktok/>.

¹⁵¹ Human Rights Council, “Opinions adopted by the Working Group on Arbitrary Detention – Opinion No. 2/2024 (China)”, March 18, 2024, A/HRC/WGAD/2024/2.

¹⁵² Human Rights Council, “Opinions adopted by the Working Group on Arbitrary Detention – Opinion No. 9/2022 (China)”, March 31, 2022, A/HRC/WGAD/2022/9.

¹⁵³ Human Rights Council, “Opinions adopted by the Working Group on Arbitrary Detention – Opinion No. 8/2014 (China)”, April 23, 2014, A/HRC/WGAD/2014/8.

letters and drafting the political manifesto Charter 08.¹⁵⁴ Rather than release Liu following the second opinion in 2011, the Chinese government continued to detain him and denied him adequate medical treatment in custody, transferring Liu to a hospital three weeks before he died under police guard.¹⁵⁵

The Chinese government has taken no positive action in response to the WGAD's concerns regarding arbitrary detention. During a dialogue with the WGAD in September 2024 at the Human Rights Council, the Chinese representative falsely claimed that "Chinese law only punishes criminal acts" and that "China firmly opposes arbitrary detention."¹⁵⁶ The government also does not free individuals WGAD determines to be arbitrarily detained and therefore should be released.

The WGAD has requested an invitation to visit the country since 2015, with no constructive response. In 2024, Chinese officials said that "relevant visits should respect China's sovereignty and comply with Chinese laws and regulations."¹⁵⁷ There have been only two special procedure visits between 2019 to 2024—the independent expert on older persons and the special rapporteur on unilateral coercive measures—and only ten visits since 1998.¹⁵⁸ By refusing to permit independent human rights monitors it expects will be critical into the country, the government is seeking to shroud its atrocity crimes in secrecy and obstruct humanitarian efforts.

In 2022, the Office of the High Commissioner for Human Rights (OHCHR) released an assessment of the human rights situation in the Uyghur region. The OHCHR determined that due to the "extent of arbitrary and discriminatory detention of members of Uyghur and other

¹⁵⁴ Commission on Human Rights, "Report of the Working Group on Arbitrary Detention - Opinion No. 17/1999 (China)", December 17, 1999, E/CN.4/2000/4/Add.1; Human Rights Council, "Opinions adopted by the Working Group on Arbitrary Detention at its sixtieth session, 2–6 May 2011 No. 15/2011 (China)", February 27, 2012, A/HRC/WGAD/2011/15.

¹⁵⁵ The Chinese government has released individuals named in opinions but usually after they served the full or most of the wrongfully imposed prison sentences, or in the cases of some foreign detainees during prisoner swaps with a foreign government. See Mark Swindon, subject to Opinion No. 72/2019, and Kai Li, No. 78/2020, were released in 2024 as a part of a prisoner swap with the United States. CBS News, "3 Americans detained for years in China have been released and back in U.S.," November 28, 2024, <https://www.cbsnews.com/news/three-imprisoned-americans-released-from-detention-in-china-nsc-says/>. CHR, "Hold Xi Jinping Accountable for Liu Xiaobo's Death in Custody, Free Liu Xia," July 13, 2017, <https://www.nchr.org/2017/07/hold-xi-jinping-accountable-for-liu-xiaobos-death-in-custody-free-liu-xia/>.

¹⁵⁶ "HRC57: 中国常驻联合国日内瓦代表团 9 月 17 日议程 3 与任意拘留问题工作组互动对话环节发言内容" [CSO Engagement Watch, "HRC57: Speech by the Chinese Permanent Mission to the United Nations in Geneva on September 17, agenda 3, in the interactive dialogue with the Working Group on Arbitrary Detention], September 18, 2024,

<https://www.csosw.org/hrc57%E5%BC%9A%E4%B8%AD%E5%9B%BD%E5%B8%B8%E9%A9%BB%E8%81%94%E5%90%88%E5%9B%BD%E6%97%A5%E5%86%85%E7%93%A6%E4%BB%A3%E8%A1%A8%E5%9B%A29%E6%9C%8817%E6%97%A5%E8%AE%AE%E7%A8%8B3%E4%B8%8E%E4%BB%BB%E6%84%8F/>

¹⁵⁷ Human Rights Council, "Report of the Working Group on the Universal Periodic Review – China: Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review", May 31, 2024, A/HRC/56/6/Add.1, para. 29.

¹⁵⁸ OHCHR, "View Country visits of Special Procedures of the Human Rights Council since 1998 – China", <https://spinternet.ohchr.org/ViewCountryVisits.aspx?visitType=all&country=CHN&Lang=en> (accessed February 18, 2025).

predominantly Muslim groups” in the Uyghur region, such acts “may constitute international crimes, in particular crimes against humanity.”¹⁵⁹

The Chinese government reacted to the OHCHR report by attacking the legitimacy of the Office and fighting an effort that year to debate those findings at the Human Rights Council.¹⁶⁰ During a periodic review of China’s human rights record at the Council in 2024, Chinese diplomats attacked the OHCHR Xinjiang report as “completely illegal and void.”¹⁶¹

Rather than taking the remedial action to ensure its laws and policies are in compliance with its human rights obligations and promptly investigate allegations of human rights violations, as is required under international law, Beijing claims that such interventions are “interference in [China’s] internal affairs under the pretext of human rights.”¹⁶² When UN human rights experts raised concerns about the National Security Law in Hong Kong, the Chinese foreign ministry responded by declaring that “Hong Kong is China’s Hong Kong...It is entirely up to China to decide how to enact and implement national security law and safeguard national security.”¹⁶³ For several years, the Chinese government has accused Special Procedures of spreading “misinformation,”¹⁶⁴ “disinformation,”¹⁶⁵ “fake news,”¹⁶⁶ “malicious...lies,”¹⁶⁷ or made personal attacks against mandate holders as lacking “professional quality and competence.”¹⁶⁸

That the Chinese government faces allegations of possible crimes against humanity from two bodies in the UN human rights system — from the Office of the High Commissioner for Human

¹⁵⁹ OHCHR, “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>

¹⁶⁰ Al Jazeera, “Outrage as UN debate on China’s alleged Xinjiang abuses rejected”, October 7, 2022, <https://www.aljazeera.com/news/2022/10/7/un-human-rights-council-rejects-debate-on-treatment-of-uighurs>

¹⁶¹ Human Rights Council, “Report of the Working Group on the Universal Periodic Review - China”, 31 May 2024, A/HRC/56/6/Add.1, para. 47.

¹⁶² Permanent Mission of People’s Republic of China to the UN Office in Geneva, “Chinese Mission Spokesperson Refutes the Smears by Certain Special Procedure Mandate Holders,” June 10, 2022, http://geneva.china-mission.gov.cn/eng/ryrbt/202206/t20220610_10701825.htm.

¹⁶³ Permanent Mission of People’s Republic of China to the UN Office in Geneva, “Chinese Mission Spokesperson Liu Yuyin Refutes Remarks by Special Procedure Mandate Holders of the Human Rights Council,” October 13, 2021, http://geneva.china-mission.gov.cn/eng/ryrbt/202110/t20211013_9555590.htm.

¹⁶⁴ Permanent Mission of People’s Republic of China to the UN Office in Geneva, “Chinese Mission Spokesperson Liu Yuyin Refutes the Erroneous Remarks by the HRC Special Procedure Mandate Holders on China,” December 16, 2020, http://geneva.china-mission.gov.cn/eng/ryrbt/202012/t20201217_8197449.htm.

¹⁶⁵ Permanent Mission of People’s Republic of China to the UN Office in Geneva, “Chinese Mission Spokesperson Liu Yuyin Refutes the Erroneous Remarks by the HRC Special Procedure Mandate Holders on China,” June 14, 2021, http://geneva.china-mission.gov.cn/eng/ryrbt/202106/t20210615_9109722.htm.

¹⁶⁶ Permanent Mission of People’s Republic of China to the UN Office in Geneva, “Chinese Mission spokesperson Liu Yuyin rejects accusations by HRC Special Procedure Mandate Holders”, December 27, 2019, http://geneva.china-mission.gov.cn/eng/ryrbt/201912/t20191228_8197298.htm.

¹⁶⁷ Permanent Mission of People’s Republic of China to the UN Office in Geneva, “Chinese Mission Spokesperson Liu Yuyin’s Remarks on the Erroneous Remarks against China by the Working Group on Business and Human Rights and other Special Procedures,” March 29, 2021, http://geneva.china-mission.gov.cn/eng/ryrbt/202103/t20210330_9109712.htm.

¹⁶⁸ Permanent Mission of People’s Republic of China to the UN Office in Geneva, “Chinese Mission Spokesperson’s remarks on the Communication from the HRC Special Procedure Mandate Holders on Hong Kong related issue,” September 4, 2020, http://geneva.china-mission.gov.cn/eng/ryrbt/202009/t20200905_8197388.htm.

Rights, and from the Working Group on Arbitrary Detention — should serve as urgent calls to UN member states to establish an independent investigative mechanism. Enabling Beijing’s impunity has bred more and worse crimes.

Recommendations

To the Chinese government:

- Drop all charges and quash convictions against prisoners of conscience, including human rights defenders, who are wrongfully detained for exercising or advocating for human rights.
- Allow access for an independent, international investigation into arbitrary detention, including investigating and, where appropriate, prosecuting police and other officials responsible for wrongful detentions.
- Permit unrestricted country visits from Special Procedures, prioritizing visits from the Working Group on Arbitrary Detention, the Working Group on Enforced and Involuntary Disappearances, the Special Rapporteur on Torture, and the Special Rapporteur on Human Rights Defenders.
- Impose an immediate moratorium on the use of the charge of “picking quarrels and provoking trouble,” with a view towards repealing it from the Criminal Law by the end of 2025.
- In keeping with the recommendations of United Nations human rights experts, repeal the Hong Kong National Security Law and revise national security legislation in Hong Kong and the mainland to reflect the standards set out under international human rights law.
- Allow for access to information by making data on criminal court cases and verdicts, accessible, and end the censorship of media and government information.
- Adopt all of the relevant recommendations from the 2024 Human Rights Council’s Universal Periodic Review process and from treaty body reviews, including the UN Committee on Economic, Social and Cultural Rights (CESCR), Committee on the Elimination of Discrimination against Women (CEDAW), and for Hong Kong, Human Rights Committee (HRC) by the end of 2025, if not sooner.
- Submit human rights reports to UN treaty bodies assessing the government’s implementation of treaties it has ratified, including those that are overdue, such as the State report to the Committee against Torture (due in 2019), Committee on the Elimination of Racial Discrimination (due in 2023) and mid-term reports to CESCR (due in January 2025) and CEDAW (due in May 2025).

To governments concerned with human rights in China:

- Increase support to human rights defenders across and from China.
- Vigorously advocate for the releases of wrongfully detained human rights defenders, including using high-level meetings to publicly call for the release of specific individuals by name.
- In keeping with the June 2020 call from 50 UN human rights experts, actively support a special session at the UN Human Rights Council and the appointment of a new standing mandate focused on Chinese government human rights violations.

- Support independent, international investigations into the Chinese government’s use of arbitrary detention.
- To prosecutors and judiciaries in countries that apply universal jurisdiction to international crimes: investigate, issue international arrest warrants for, and prosecute those responsible for grave, widespread and systematic human rights violations amounting to crimes against humanity in China.
- Condition international law enforcement interactions and rule of law cooperation with the Chinese government on the government’s dropping all charges and quashing all convictions against those wrongfully detained for peacefully exercising or advocating human rights.
- Adopt and/or implement legislation that sanctions Chinese state actors implicated in arbitrary detentions in China.
- Factor the Working Group on Arbitrary Detention’s findings and this report’s data and conclusions into travel warnings for China

To the United Nations:

- To United Nations Secretary General Antonio Guterres:
 - In all meetings with Chinese Communist Party General Secretary Xi Jinping urge the government release these 1,545 prisoners of conscience and all other arbitrarily detained people in China (including Hong Kong), reiterate the WGAD’s and OHCHR’s findings of possible crimes against humanity, and defend the independence and integrity of UN human rights bodies.
- To the High Commissioner for Human Rights, Volker Turk, and the Office of the High Commissioner for Human Rights:
 - Push the Chinese government to abolish or amend the laws identified as being in tension with international human rights law and standards, including the crime of “picking quarrels and provoking trouble” and the Hong Kong National Security Law, among others.
 - Brief the Human Rights Council on work done since the publication of the August 2022 Xinjiang report to make progress towards an end to mass arbitrary detention and investigations into possible crimes against humanity.
 - Urge the Human Rights Council to follow the June 2020 recommendations by 50 special procedures in support of a special session and new standing mandate focused on Chinese government human rights violations.
 - Work collaboratively with the WGAD to secure releases of all those arbitrarily detained in China, including through periodic public updates of successes or failures where security allows.
- To the Human Rights Council
 - Pursue a special session to examine Chinese government human rights violations, including but not limited to arbitrary detention.
 - Request a briefing by the High Commissioner on this report’s and the WGAD’s findings regarding Beijing’s widespread and systematic use of arbitrary detention to silence human rights activists.

- Establish a new standing mandate focused on Chinese government human rights violations.
 - Strengthen the minimum requirements for HRC membership to exclude any government that has in the previous five years been identified by UN bodies as possibly committing crimes against humanity and have taken no measures to end such actions.
 - Create and seize opportunities to highlight human rights defenders across and from China in HRC initiatives, including briefings, side events, and joint statements.
- To the Treaty Bodies
 - Continue to seek wide input from independent civil society organizations while conducting reviews, including holding online briefings that are more accessible to civil society groups globally.
 - Document and raise with the Chinese government incidents of retaliation against an individual for seeking to engage with the treaty body or any part of the UN system.
 - Consider holding an informal review of China’s implementation of some treaties if the State party has not submitted its report after five years, and receiving information from civil society, academics, journalists, and other human rights experts.
 - To the Special Procedures
 - Continue to pursue joint action, including by using the collective voice and expertise of the dozens of Special Procedure mandate holders, to call on the Human Rights Council to convene a special session on China and to establish a mandate focused on Chinese government human rights violations and to highlight non-cooperation with their mandates.
 - Issue public statements on individual cases, including long-term cases, on social media and through OHCHR’s website to provide comfort for family members and raise awareness.
 - Continue to make requests to visit China and send the government reminders, and consider joint action with other mandate holders when met with long periods of non-response, such as a Joint Allegation Letter highlighting this trend or holding a remote meeting with local human rights defenders, academics, journalists and other members of civil society.

Acknowledgements

Courageous human rights defenders across China work at great personal risk to themselves and their families to document cases of individuals deprived of their liberty. They act as some of the few, albeit limited, sources of independent information on arbitrary detention in China.

CHRD would like to thank everyone who assisted with this report, especially those detained for collecting and sharing information on prisoners of conscience, the victims’ families and lawyers, and all human rights defenders for their tireless pursuit of human rights in China.

No.	Country	Date of Opinion	Opinion Number	No. of people	Name(s) of individuals	Opinion Category	Note	Opinion URL
1	Hong Kong, China	26-Sep-24	34/2024	1	Jimmy Lai Chee-ying	Category I (Arbitrary) Category II (Arbitrary) Category III (Arbitrary) Category V (Arbitrary)		https://www.ohchr.org/sites/default/files/documents/issues/detention-wg/opinions/session100/a-hrc-wgad-2024-34-china-hong-kong-advance.pdf
2	China; North Korea	24-Sep-24	37/2024	1	Kim Cheol-Ok	Category I (Arbitrary) Category II (Arbitrary) Category III (Arbitrary) Category V (Arbitrary)	Raises concern about crimes against humanity (towards North Korea)	https://www.ohchr.org/sites/default/files/documents/issues/detention-wg/opinions/session100/a-hrc-wgad-2024-37-china-democratic-peop.pdf
3	China	09-May-24	2 2024	5	Alavedi Buvacir • Hudavedi Bumeyrem • Abudukelimu Alimu • Abuduli Aibibu • Bahaguli Aibibu	Category I (Arbitrary) Category III (Arbitrary) Category V (Arbitrary)	Raises concern about crimes against humanity to Chinese government	https://www.ohchr.org/sites/default/files/documents/issues/detention-wg/opinions/session99/a-hrc-wgad-2024-2-china-aev.pdf

No.	Country	Date of Opinion	Opinion Number	No. of people	Name(s) of individuals	Opinion Category	Note	Opinion URL
4	China	08-May-24	4/2024	4	Abdūlcabbar Celil Karluk • Suliya Tuerxun • Ailijiang Mamuti • Yasin Abdurrahman	Category I (Arbitrary) Category III (Arbitrary) Category V (Arbitrary)	Raises concern about crimes against humanity to Chinese government	https://www.ohchr.org/sites/default/files/documents/issues/detention-wg/opinions/session99/a-hrc-wgad-2024-4-china-aev.pdf
5	China	08-Dec-23	77/2023	4	Halemaimaiti Yiliyasi • Abudureheman • Kuerwanjiang • Mevlude Hilal • Paliden Yasheng	Category I (Arbitrary) Category III (Arbitrary) Category V (Arbitrary)	Raises concern about crimes against humanity to Chinese government	https://www.ohchr.org/sites/default/files/documents/issues/detention-wg/opinions/session98/a-hrc-wgad-2023-77-china-aev.pdf
6	China	27-Sep-23	38/2023	1	Maimaiti Abulaiti	Category I (Arbitrary) Category II (Arbitrary) Category III (Arbitrary) Category V (Arbitrary)	Raises concern about crimes against humanity to Chinese government	https://www.ohchr.org/sites/default/files/documents/issues/detention-wg/opinions/session97/A-HRC-WGAD-2023-38-AEV.pdf

No.	Country	Date of Opinion	Opinion Number	No. of people	Name(s) of individuals	Opinion Category	Note	Opinion URL
7	Hong Kong, China	01-May-23	30/2023	1	Hang Tung Chow	Category I (Arbitrary) Category II (Arbitrary) Category III (Arbitrary) Category V (Arbitrary)		https://www.ohchr.org/sites/default/files/documents/issues/detention-wg/opinions/session96/A-HRC-WGAD-2023-30-AEV.pdf
8	China	01-May-23	6 2023	3	Naghmat Hamit Tajinisa Yimin Dilixiati Wulibaiyi	Category I (Arbitrary) Category III (Arbitrary) Category V (Arbitrary)	Raises concern about crimes against humanity to Chinese government	https://www.ohchr.org/sites/default/files/documents/issues/detention-wg/opinions/session96/A-HRC-WGAD-2023-6-AEV.pdf
9	China	20-Mar-23	88/2022	3	Qurban Mamut Ekpar Asat Gulshan Abbas	Category I (Arbitrary) Category III (Arbitrary) Category V (Arbitrary)	Raises concern about crimes against humanity to Chinese government	https://www.ohchr.org/sites/default/files/documents/issues/detention-wg/opinions/session95/A-HRC-WGAD-2022-88-China-AEV.pdf

No.	Country	Date of Opinion	Opinion Number	No. of people	Name(s) of individuals	Opinion Category	Note	Opinion URL
10	China	29-Sep-22	64/2022	1	Yalqun Rozi	Category I (Arbitrary) Category II (Arbitrary) Category III (Arbitrary) Category V (Arbitrary)	Raises concern about crimes against humanity to Chinese government	https://www.ohchr.org/sites/default/files/documents/issues/detention-wg/opinions/session94/2022-12-16/A-HRC-WGAD-2022-64-China-AEV.pdf
11	China	28-Sep-22	41/2022	1	Qin Yongpei	Category I (Arbitrary) Category II (Arbitrary) Category III (Arbitrary) Category V (Arbitrary)	Raises concern about crimes against humanity to Chinese government	https://www.ohchr.org/sites/default/files/documents/issues/detention-wg/opinions/session94/2022-12-16/A-HRC-WGAD-2022-41-2022-China-AEV.pdf
12	China	23-May-22	6 2022	4	Abdurashid Tohti • Tajigul Qadir • Ametjan Abdurashid • Mohamed Ali Abdurashid	Category I (Arbitrary) Category III (Arbitrary) Category V (Arbitrary)	Raises concern about crimes against humanity to Chinese government	https://www.ohchr.org/sites/default/files/2022-06/A-HRC-WGAD-2022-6-CHN-AEV.pdf
13	China	11-May-22	9 2022	1	Wang Jianbing	Category I (Arbitrary) Category II (Arbitrary) Category III (Arbitrary)	Raises concern about crimes against humanity to Chinese government	https://www.ohchr.org/sites/default/files/2022-06/A-HRC-WGAD-2022-9-CHN-AEV.pdf

No.	Country	Date of Opinion	Opinion Number	No. of people	Name(s) of individuals	Opinion Category	Note	Opinion URL
14	China	18-Nov-21	76/2021	1	Zhang Shaojie	Category I (Arbitrary) Category II (Arbitrary) Category III (Arbitrary)	Raises concern about crimes against humanity to Chinese government	https://www.ohchr.org/sites/default/files/2022-02/A-HRC-WGAD-2021-76-China-AEV.pdf
15	China	17-Nov-21	66/2021	1	Zhang Haitao	Category I (Arbitrary) Category II (Arbitrary) Category III (Arbitrary) Category V (Arbitrary)	Raises concern about crimes against humanity to Chinese government	https://www.ohchr.org/sites/default/files/2022-03/A-HRC-WGAD-2021-66-China-AEV.pdf
16	China	16-Nov-21	54/2021	1	Zhang Baocheng	Category I (Arbitrary) Category II (Arbitrary) Category III (Arbitrary) Category V (Arbitrary)	Raises concern about crimes against humanity to Chinese government	https://www.ohchr.org/sites/default/files/2022-03/A-HRC-WGAD-2021-54-China-AEV.pdf
17	China	08 Sep 2021	30/2021	3	Ding Jiayi Zhang Zhongshun Dai Zhenya	Category I (Arbitrary) Category II (Arbitrary) Category III (Arbitrary) Category V (Arbitrary)	Raises concern about crimes against humanity to Chinese government	https://www.ohchr.org/sites/default/files/2022-01/A_HRC_WGAD_2021_30_AEV.pdf

No.	Country	Date of Opinion	Opinion Number	No. of people	Name(s) of individuals	Opinion Category	Note	Opinion URL
18	China	06 Sep 2021	25/2021	3	Zhan Zhang Mei Chen Wei Cai	Category I (Arbitrary) Category II (Arbitrary) Category III (Arbitrary) Category V (Arbitrary)	Raises concern about crimes against humanity to Chinese government	https://www.ohchr.org/sites/default/files/2021-11/A_HRC_WGAD_2021_25_AdvanceEditedVersion.pdf
19	China	26 Nov 2020	82/2020	1	Xu Zhiyong	Category I (Arbitrary) Category II (Arbitrary) Category III (Arbitrary) Category V (Arbitrary)	Raises concern about crimes against humanity to Chinese government	https://www.ohchr.org/sites/default/files/Documents/Issues/Detention/Opinions/Session89/A_HRC_WGAD_2020_82.pdf
20	China	25 Nov 2020	78/2020	1	Kai Li	Category I (Arbitrary) Category III (Arbitrary)	Raises concern about crimes against humanity to Chinese government	https://documents.un.org/doc/undoc/gen/g21/011/40/pdf/g2101140.pdf
21	China	01 May 2020	32/2020	1	He Fangmei	Category I (Arbitrary) Category II (Arbitrary) Category III (Arbitrary) Category V (Arbitrary)	Raises concern about crimes against humanity to Chinese government	https://documents.un.org/doc/undoc/gen/g20/223/67/pdf/g2022367.pdf

No.	Country	Date of Opinion	Opinion Number	No. of people	Name(s) of individuals	Opinion Category	Note	Opinion URL
22	China	01 May 2020	11/2020	3	Cheng Yuan Liu Dazhi Wu Gejianxiong	Category I (Arbitrary) Category II (Arbitrary) Category III (Arbitrary) Category V (Arbitrary)	Raises concern about crimes against humanity to Chinese government	https://documents.un.org/doc/undoc/gen/g20/140/49/pdf/g2014049.pdf
23	China	21 Nov 2019	76/2019	2	Chen Shuqing Lü Gengsong	Category I (Arbitrary) Category II (Arbitrary) Category III (Arbitrary) Category V (Arbitrary)	Raises concern about crimes against humanity to Chinese government	https://documents.un.org/doc/undoc/gen/g20/034/07/pdf/g2003407.pdf
24	China	21 Nov 2019	72/2019	1	Mark Swidan	Category I (Arbitrary) Category III (Arbitrary)	Raises concern about crimes against humanity to Chinese government	https://documents.un.org/doc/undoc/gen/g20/027/80/pdf/g2002780.pdf
25	China	12 Aug 2019	36/2019	2	Wang Yi Jiang Rong	Category I (Arbitrary) Category II (Arbitrary) Category III (Arbitrary)		https://documents.un.org/doc/undoc/gen/g19/292/45/pdf/g1929245.pdf
26	China	12 Aug 2019	35/2019	1	John Cao	Category II (Arbitrary) Category III (Arbitrary) Category V (Arbitrary)	Raises concern about crimes against humanity to Chinese government	https://documents.un.org/doc/undoc/gen/g19/277/71/pdf/g1927771.pdf

No.	Country	Date of Opinion	Opinion Number	No. of people	Name(s) of individuals	Opinion Category	Note	Opinion URL
27	China	01 May 2019	20/2019	2	Zhen Jianghua Qin Yongmin	Category I (Arbitrary) Category II (Arbitrary) Category III (Arbitrary) Category V (Arbitrary)	Raises concern about crimes against humanity to Chinese government	https://docs.un.org/en/A/HRC/WGAD/2019/20
28	China	26 Apr 2019	15/2019	1	Yu Wensheng	Category I (Arbitrary) Category II (Arbitrary) Category III (Arbitrary) Category V (Arbitrary)	Raises concern about crimes against humanity to Chinese government	https://www.ohchr.org/sites/default/files/Documents/Issues/Detention/Opinions/Session84/A_HRC_WGAD_2019_15.pdf
29	China	24 Aug 2018	62/2018	3	Wang Quanzhang Jiang Tianyong Li Yuhan	Category I (Arbitrary) Category II (Arbitrary) Category III (Arbitrary)	Raises concern about crimes against humanity to Chinese government	https://docs.un.org/en/A/HRC/WGAD/2018/62

No.	Country	Date of Opinion	Opinion Number	No. of people	Name(s) of individuals	Opinion Category	Note	Opinion URL
30	China, North Korea	23 Aug 2018	54/2018	4	Kyeong-Hee Kang Seung Cheol Kim Keum Nam Lee Myung-Ju Lee	China: Category I (Arbitrary) Category II (Arbitrary) Category III (Arbitrary) Category V (Arbitrary) North Korea: Category I (Arbitrary) Category II (Arbitrary) Category III (Arbitrary) Category V (Arbitrary)	Raises concern about crimes against humanity (towards North Korea)	https://docs.un.org/en/A/HRC/WGAD/2018/54
31	China	23 Apr 2018	22/2018	2	Lu Feyie Huang Qi	Category II (Arbitrary) Category III (Arbitrary)		https://docs.un.org/en/A/HRC/WGAD/2018/22
32	North Korea, China	22 Nov 2017	81/2017	2	Mi Sook Kang Ho Seok Kim	Democratic People s Republic of Korea: Category I (Arbitrary) Category II (Arbitrary) Category III (Arbitrary) China: Category I (Arbitrary) Category II (Arbitrary) Category III (Arbitrary)		https://docs.un.org/en/A/HRC/WGAD/2017/81

No.	Country	Date of Opinion	Opinion Number	No. of people	Name(s) of individuals	Opinion Category	Note	Opinion URL
33	China	20 Nov 2017	69/2017	1	Tashi Wangchuk	Category I (Arbitrary) Category II (Arbitrary) Category III (Arbitrary)	*First opinion raising concern about crimes against humanity to Chinese government	https://docs.un.org/en/A/HRC/WGAD/2017/69
34	China	24 Aug 2017	59/2017	3	Hu Shigen Xie Yang Zhou Shifeng	Category II (Arbitrary) Category III (Arbitrary)		https://docs.un.org/en/A/HRC/WGAD/2017/59
35	China	19 Apr 2017	5/2017	3	Huang Wenxun Yuan Bing Yuan Xiaohua	Category I (Arbitrary) Category II (Arbitrary) Category III (Arbitrary)		https://www.ohchr.org/sites/default/files/Documents/Issues/Detention/Opinions/Session78/A_HRC_WGAD_2017_5.pdf
36	China	10 Apr 2017	4/2017	1	Tsegon Gyal	Category I (Arbitrary) Category III (Arbitrary) Category V (Arbitrary)		https://docs.un.org/en/A/HRC/WGAD/2017/4

No.	Country	Date of Opinion	Opinion Number	No. of people	Name(s) of individuals	Opinion Category	Note	Opinion URL
37	China	22 Nov 2016	46/2016	19	Wu Zeheng • Meng Yue • Yuan Ming • Wu Haiwuan • Ni Zezhou • Zhao Weiping • Li Huichun • Zhang Guihong • Yi Shuhui • Su Lihua • Sun Ni • Zhu Yi • Lu Hunye • Lin Zhanrong • Shang Hongwei • Ren Huining • Chen Sisi • Wang Ziyin • Liu Runhong	Category II (Arbitrary) Category III (Arbitrary) Category V (Arbitrary)		https://docs.un.org/en/A/HRC/WGAD/2016/46
38	China	26 Aug 2016	43/2016	1	Xia Lin	Category II (Arbitrary) Category III (Arbitrary)		https://docs.un.org/en/A/HRC/WGAD/2016/43
39	China	24 Aug 2016	30/2016	2	Xing Qingxian Tang Zhishun	Category III (Arbitrary)		https://docs.un.org/en/A/HRC/WGAD/2016/30
40	China	20 Apr 2016	12/2016	1	Phan (Sandy) Phan-Gillis	Category I (Arbitrary) Category III (Arbitrary)		https://docs.un.org/en/A/HRC/WGAD/2016/12
41	China	03 Dec 2015	39/2015	1	Su Changlan	Category II (Arbitrary) Category III (Arbitrary)		https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/WGAD/2015/39

No.	Country	Date of Opinion	Opinion Number	No. of people	Name(s) of individuals	Opinion Category	Note	Opinion URL
42	China	09 Oct 2015	55/2014	1	Ziyuan Ren		No decision (insufficient information)	https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/WGAD/2014/55
43	China	20 Apr 2015	11/2016	1	Yu Shiwen	Category II (Arbitrary) Category III (Arbitrary)		https://docs.un.org/en/A/HRC/WGAD/2016/11
44	China	20 Apr 2015	3/2015	1	Jiayi Ding	Category II (Arbitrary)		https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/WGAD/2015/3
45	China	20-Nov-14	49/2014	3	Jingling Tang Qingying Wang Xinting Yuan	Category II (Arbitrary) Category III (Arbitrary)		https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/WGAD/2014/49
46	China	24-Aug-14	21/2014	1	Wang Hanfei	Category II (Arbitrary)		https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/WGAD/2014/21
47	China	23 Apr 2014	8/2014	1	Xing Shiku	Category I (Arbitrary) Category II (Arbitrary)		https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/WGAD/2014/8

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48	China	22 Apr 2014	4/2014	1	Ma Chunling	Category II (Arbitrary) Category V (Arbitrary)		https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/WGAD/2014/4
49	China	22 Apr 2014	3/2014	1	Ilham Tohti	Category II (Arbitrary) Category III (Arbitrary)		https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/WGAD/2014/3
50	China	22 Apr 2014	2/2014	1	Chen Kegui	Category III (Arbitrary)		https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/WGAD/2014/2
51	China	20 Nov 2012	59/2012	1	Guo Quan	Category II (Arbitrary)		https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/WGAD/2012/59
52	China	19 Nov 2012	51/2012	4	Kim Young Hwan Yoo Jae Kil Kang Shin Sam Lee Sang Yong		No decision (already released)	https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/WGAD/2012/51
53	China	30 Aug 2012	36/2012	1	Qi Chonghuai	Category III (Arbitrary)		https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/WGAD/2012/36

No.	Country	Date of Opinion	Opinion Number	No. of people	Name(s) of individuals	Opinion Category	Note	Opinion URL
54	China	29 Aug 2012	29/2012	1	Gulmira Imin	Category II (Arbitrary)		https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/WGAD/2012/29
55	China	02 May 2012	7/2012	1	Chen Wei	Category II (Arbitrary)		https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/WGAD/2012/7
56	China	30 Aug 2011	29/2011	1	Zhou Yung Jun	Category III (Arbitrary)		https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/WGAD/2011/29
57	China	29 Aug 2011	23/2011	1	Liu Xianbin	Category II (Arbitrary)		https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/WGAD/2011/23
58	China	05 May 2011	16/2011	1	Liu Xia	Category II (Arbitrary) Category III (Arbitrary)		https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/WGAD/2011/16
59	China	05 May 2011	15/2011	1	Liu Xiaobo	Category II (Arbitrary) Category III (Arbitrary)		https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/WGAD/2011/15

No.	Country	Date of Opinion	Opinion Number	No. of people	Name(s) of individuals	Opinion Category	Note	Opinion URL
60	China	24 Nov 2010	29/2010	3	Thamki Gyatso Tseltem Gyatso Kalsang Gyatso	Category II (Arbitrary)		https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/WGAD/2010/29
61	China	19 Nov 2010	26/2010	1	Zhisheng Gao	Category II (Arbitrary) Category III (Arbitrary)		https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/WGAD/2010/26
62	China	12 Sep 2008	29/2008	1	Alimujiang Yimiti (Alimjan Yimit)	Category II (Arbitrary) Category III (Arbitrary)		https://docs.un.org/en/A/HRC/13/30/Add.1
63	China	10 Sep 2008	21/2008	1	Pastor Shengliang Gong		No decision (insufficient information)	https://docs.un.org/en/A/HRC/13/30/Add.1
64	China	30 Nov 2007	36/2007	1	Dolma Kyab	Category II (Arbitrary)		https://docs.un.org/en/A/HRC/10/21/Add.1
65	China	30 Nov 2007	33/2007	1	Sonam Gyalpo	Category II (Arbitrary)		https://docs.un.org/en/A/HRC/10/21/Add.1
66	China	28 Nov 2007	32/2007	2	Jin Haike Zhang Honghai	Category II (Arbitrary)		https://docs.un.org/en/A/HRC/10/21/Add.1
67	China	24 Nov 2006	47/2006	1	Chen Guangcheng	Category I (Arbitrary) Category II (Arbitrary)		https://docs.un.org/en/A/HRC/7/4/Add.1

No.	Country	Date of Opinion	Opinion Number	No. of people	Name(s) of individuals	Opinion Category	Note	Opinion URL
68	China	21 Nov 2006	41/2006	1	Wu Hao		No decision (already released)	https://docs.un.org/en/A/HRC/7/4/Add.1
69	China	01 Sep 2006	27/2006	1	Shi Tao	Category II (Arbitrary) Category III (Arbitrary)		https://docs.un.org/en/A/HRC/4/40/Add.1
70	China	11 May 2006	11 2006	1	Zheng Zhihong	Category II (Arbitrary)		https://docs.un.org/en/A/HRC/4/40/Add.1
71	China	29 Nov 2005	43/2005	1	Peng Ming	Category II (Arbitrary)		https://docs.un.org/en/A/HRC/4/40/Add.1
72	China	25 Nov 2005	38/2005	1	Hu Shigen	Category II (Arbitrary)		https://docs.un.org/en/A/HRC/4/40/Add.1
73	China	02 Sep 2005	33/2005	1	Zhao Yan	Category II (Arbitrary) Category III (Arbitrary)		https://docs.un.org/en/E/CN.4/2006/7/Add.1
74	China	02 Sep 2005	32/2005	1	Qiu Minghua	Category II (Arbitrary) Category III (Arbitrary)		https://docs.un.org/en/E/CN.4/2006/7/Add.1
75	China	27 May 2005	20/2005	1	Yong Hun Choi	Category III (Arbitrary)		https://docs.un.org/en/E/CN.4/2006/7/Add.1
76	China	26 May 2005	17/2005	2	Liu Fenggang Xu Yonghai	Category II (Arbitrary)		https://docs.un.org/en/E/CN.4/2006/7/Add.1
77	China	26 Nov 2004	24/2004	1	Zhang Yinan	Category II (Arbitrary) Category III (Arbitrary)		https://docs.un.org/en/E/CN.4/2006/7/Add.1

No.	Country	Date of Opinion	Opinion Number	No. of people	Name(s) of individuals	Opinion Category	Note	Opinion URL
78	China	15 Sep 2004	15/2004	1	Huang Qi	Category II (Arbitrary)		https://docs.un.org/en/E/CN.4/2005/6/Add.1
79	China	15 Sep 2004	14/2004	1	Jae Hyun Seok		No decision (already released)	https://docs.un.org/en/E/CN.4/2005/6/Add.1
80	China	28 Nov 2003	26/2003	2	Ouyang Yi Zhao Changqing	Category II (Arbitrary)		https://docs.un.org/en/E/CN.4/2005/6/Add.1
81	China	28 Nov 2003	25/2003	1	Di Liu	Category II (Arbitrary) Category III (Arbitrary)		https://docs.un.org/en/E/CN.4/2005/6/Add.1
82	China	27 Nov 2003	23/2003	1	Xu Wenli	Category II (Arbitrary) Category III (Arbitrary)		https://docs.un.org/en/E/CN.4/2005/6/Add.1
83	China	27 Nov 2003	21/2003	2	Li Ling Pei Jilin	Category II (Arbitrary)		https://docs.un.org/en/E/CN.4/2005/6/Add.1
84	China	04 Sep 2003	13/2003	8	Tenzin Choewang • Sey Khedup • Tserin Lhagon • Yeshi Tenzin • Thraba Yeshi • Ngawang Tsultrim • Nyima Dhakpa • Gyurmey	Category II (Arbitrary)	No decision on 1 individual (cannot be traced)	https://docs.un.org/en/E/CN.4/2004/3/Add.1
85	China	04 Sep 2003	12 2003	2	Liu Xianbin Li Bifeng	Category II (Arbitrary)		https://docs.un.org/en/E/CN.4/2004/3/Add.1
86	China	09 May 2003	10 2003	3	Wang Bingzhang Yue Wu Zhang Qi	Category I (Arbitrary) Category III (Arbitrary)		https://docs.un.org/en/E/CN.4/2004/3/Add.1

No.	Country	Date of Opinion	Opinion Number	No. of people	Name(s) of individuals	Opinion Category	Note	Opinion URL
87	China	09 May 2003	7 2003	9	Chen Gang • Zhang Wenfu • Zhong Bo • Liu Li • Wu Xiaohua • Gai Suzhi • Liu Junhua • Zhang Jiuhai • Zhu Xiaofei	Category II (Arbitrary)	No decision on 3 individuals (already released)	https://docs.un.org/en/E/CN.4/2004/3/Add.1
88	China	07 May 2003	2 2003	1	Yang Jianli	Category III (Arbitrary)		https://docs.un.org/en/E/CN.4/2004/3/Add.1
89	China	28 Nov 2002	15/2002	1	Yao Fuxin	Category II (Arbitrary)		https://docs.un.org/en/E/CN.4/2004/3/Add.1
90	China	18 Jun 2002	5 2002	4	Tang Xi Tao • Han Yuejuan • Zhao Ming • Yang Chanrong	Category II (Arbitrary)		https://docs.un.org/en/E/CN.4/2003/8/Add.1
91	China	18 Jun 2002	1 2002	1	Cao Maobing	Category I (Arbitrary)		https://docs.un.org/en/E/CN.4/2003/8/Add.1
92	China	28 Nov 2001	20/2001	1	Wang Wanxing	Category II (Arbitrary)		https://docs.un.org/en/E/CN.4/2003/8/Add.1
93	China	17 May 2001	8 2001	1	Jiang Qisheng	Category II (Arbitrary)		https://docs.un.org/en/E/CN.4/2002/77/Add.1
94	China	17 May 2001	7 2001	1	Tohti Tunyaz	Category II (Arbitrary)		https://docs.un.org/en/E/CN.4/2002/77/Add.1
95	China	27 Nov 2000	36/2000	4	Li Chang • Wang Zhiwen • Ji Liewu • Yao Jie	Category II (Arbitrary)		https://docs.un.org/en/E/CN.4/2002/77/Add.1

No.	Country	Date of Opinion	Opinion Number	No. of people	Name(s) of individuals	Opinion Category	Note	Opinion URL
96	China	27 Nov 2000	35/2000	1	Yuhui Zhang	Category II (Arbitrary)		https://docs.un.org/en/E/CN.4/2002/77/Add.1
97	China	27 Nov 2000	30/2000	1	Rebiya Kadeer	Category II (Arbitrary)		https://docs.un.org/en/E/CN.4/2002/77/Add.1
98	China	14 Sep 2000	28/2000	1	Ngawang Sandrol	Category II (Arbitrary)		https://docs.un.org/en/E/CN.4/2001/14/Add.1
99	China	14 Sep 2000	19/2000	2	Phuntsok Legmon Namdrol	Category II (Arbitrary)		https://docs.un.org/en/E/CN.4/2001/14/Add.1
100	China	18 May 2000	14/2000	1	Phuntsok Wangdu	Category II (Arbitrary)		https://docs.un.org/en/E/CN.4/2001/14/Add.1
101	China	17 May 2000	8 2000	1	Jigme Gyatso	Category II (Arbitrary)		https://docs.un.org/en/E/CN.4/2001/14/Add.1
102	China	16 Sep 1999	21/1999	1	Wang Youcai	Category II (Arbitrary)		https://docs.un.org/en/E/CN.4/2000/4/Add.1
103	China	16 Sep 1999	19/1999	1	Li Hai	Category II (Arbitrary)		https://docs.un.org/en/E/CN.4/2000/4/Add.1
104	China	15 Sep 1999	17/1999	1	Liu Xiaobo	Category II (Arbitrary)		https://docs.un.org/en/E/CN.4/2000/4/Add.1
105	China	15 Sep 1999	16/1999	1	Liu Nianchun		No decision (already released)	https://docs.un.org/en/E/CN.4/2000/4/Add.1

No.	Country	Date of Opinion	Opinion Number	No. of people	Name(s) of individuals	Opinion Category	Note	Opinion URL
106	China	20 May 1999	1 1999	2	Xue Deyun Xiong Jinren	Category II (Arbitrary)		https://docs.un.org/en/E/CN.4/2000/4/Add.1
107	China	19 May 1999	2 1999	1	Ngawang Choephel	Category II (Arbitrary)		https://docs.un.org/en/E/CN.4/2000/4/Add.1
108	China	04 Dec 1998	30/1998	1	Zhou Guoqiang	Category II (Arbitrary) Category III (Arbitrary)		https://docs.un.org/en/E/CN.4/2000/4/Add.1
109	China	23 May 1996	19/1996	4	Jiang Qisheng Wang Zhongqiu Zhang Lin Bao Ge	Category II (Arbitrary) Category III (Arbitrary)	No decision on 2 individuals (insufficient information)	https://docs.un.org/en/E/CN.4/1997/4/Add.1
110	China	30 Nov 1995	46/1995	81	Full list of names in opinion	Category II (Arbitrary)	No Decision on 15 individuals (already released, died, or insufficient information)	https://docs.un.org/en/E/CN.4/1997/4/Add.1

No.	Country	Date of Opinion	Opinion Number	No. of people	Name(s) of individuals	Opinion Category	Note	Opinion URL
111	China	09 Dec 1993	66/1993	19	Zhou Lunyou • Peter Liu Guangdong • Su Zhumin • Yang Libo • Father Francis Wang Yijun • Xu Guoxing • Liu Qinglin • Ngawang Chosum • Ngawang Pema • Lobsang Choedon • Phuntsong Tenzin • Pasang Dolma • Dawa Lhanzum • Jingyi Wei • Youshen Zhang • Weiming Zhang • Zhang Dapeng • Dorje Wangdu • Hu Hai	Category II (Arbitrary)		https://docs.un.org/en/E/CN.4/1995/31/Add.1

No.	Country	Date of Opinion	Opinion Number	No. of people	Name(s) of individuals	Opinion Category	Note	Opinion URL
112	China	09 Dec 1993	65/1993	31	Jampa Ngodrup • Lhundrup Ganden • Lobsang Choejor • Lobsang Yeshe • Lobsang Palden • Drakpa Tsultrim • Lobsang Tashi • Tempa Wangdrak • Tenzin Tsultrim • Ngawang Phulchung • Ngawang Oser • Jamphel Changchub • Kelsang Thutob • Ngawang Gyaltsen • Jampal Lobsang • Ngawang Rigzin • Jampal Monlam • Jampel Tsering • Ngawang Kunga • Karma • Monlam Gyatso • Gyatso Yulu Dawa Tsering • Thubten Tsering • Dawa Kyizom • Ngawang Chamtsul • Lobsang Tsultrim • Ama Phurbu • Phurbu Drolma • Migmar • Dawa Drolma • Tseten Norgyal • Thubten Tsering • Tamsin Sithar • Ngawan Dechoe • Tsering Ngodup	Category II (Arbitrary)	No decision on 4 individuals (already release, insufficient information)	https://docs.un.org/en/E/CN.4/1995/31/Add.1
113	China	09 Dec 1993	64/1993	1	Zhe Fan		No decision (already released)	https://docs.un.org/en/E/CN.4/1995/31/Add.1

No.	Country	Date of Opinion	Opinion Number	No. of people	Name(s) of individuals	Opinion Category	Note	Opinion URL	
114	China	09 Dec 1993	63/1993	2	Wang Juntao Chen Ziming	Category II (Arbitrary)		https://docs.un.org/en/E/CN.4/1995/31/Add.1	
115	China	07 Dec 1993	53/1993	1	Chen Lantao	Category II (Arbitrary)		https://docs.un.org/en/E/CN.4/1995/31/Add.1	
116	China	30 Sep 1993	44/1993	5	Di Dafeng Zu Guogiang Mao Wenke Zang Jianjun Zhao Chingjian	Category II (Arbitrary) Category III (Arbitrary)		https://docs.un.org/en/E/CN.4/1995/31/Add.1	
117	China	30 Sep 1993	43/1993	2	Huang Shixu Lu Gang	Category II (Arbitrary) Category III (Arbitrary)		https://docs.un.org/en/E/CN.4/1995/31/Add.1	
Total individuals:				346					
Total individuals arbitrarily detained:				312					
Total individuals no decision:				35					