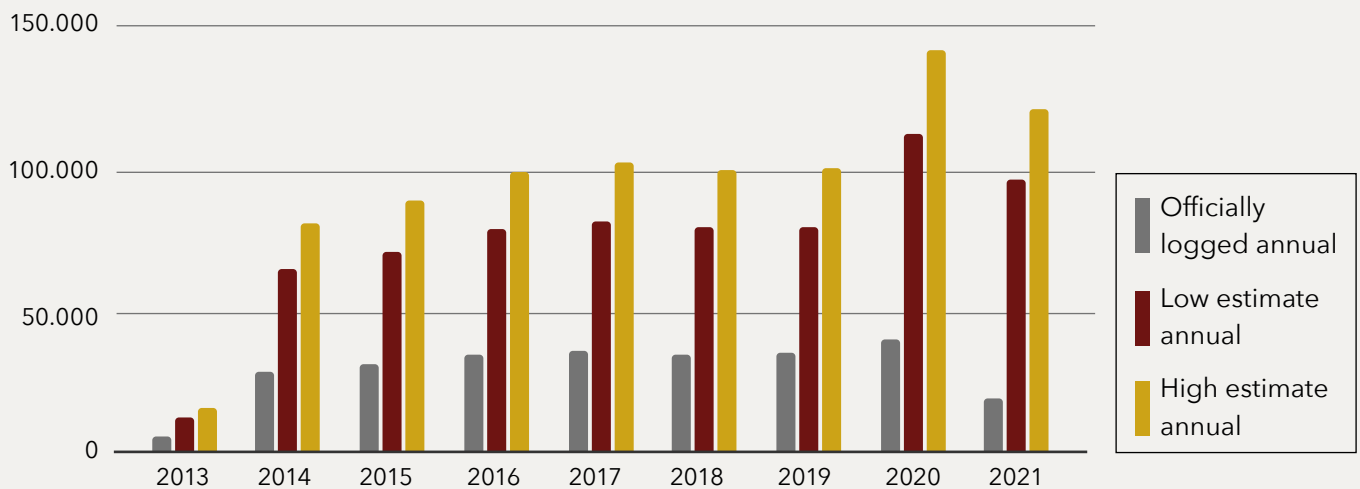


Home as Prison: Executive Summary

Officially called **Residential Surveillance (RS)** or “监视居住” in Chinese, house arrest is used to detain an individual who is under investigation, awaiting criminal proceedings, or identified as a threat to national security under China’s Criminal Procedure Law (CPL), and it **can last for half a year**.

Several different authorities can issue an order to have a person restricted to their home. It can be a softer form, where one can leave home as long as police are notified, and may use the internet, albeit under surveillance, and have visitors, etc. It may also be far harsher, where the victim is essentially under solitary confinement, barred from all communication, visitation, or ever leaving the house, to live half a year in complete isolation. In many cases, home really becomes just another prison.

Annual: Estimation of real lawful use



The use of house arrest also exists in two other forms. One the lawful use in accordance with Chinese law (RS), is the focus of this investigation. The second is carried out arbitrarily and without legal process, especially against human rights defenders, and police use it in this illegal manner seemingly at will.

Since Xi Jinping came to power in 2012, and the revised Criminal Procedure Law came into effect in 2013, the use of lawful house arrest has risen rapidly. The available official data on RS registered on Wenshu (文书), China’s database on verdicts and court decisions (in English called China Judgment Online, or CJO) **does not reflect the true scale of its use**. In addition, official data does not include cases when RS is imposed arbitrarily and illegally.

- There are some 270,000 mentions of the use of RS in the official Supreme Court database, but it is estimated it has been used, in lawful form, on at least 560,000 to 860,000 people during Xi Jinping’s rule.
- The official records show a 13% of increase of house arrests in 2020 (40,184 cases) compared to the number in 2019 (35,509 cases) during Covid-19.
- There is no data on the scale of the use of RS outside the scope of law, for example as regularly employed against human rights defenders.
- The rapid expansion of the powers of the police through legal amendments to impose RS violates both international law and China’s own constitution.
- The prosecutor may place those investigated by the National Supervision Commission (NSC), a non-judicial organ and not a law enforcement entity, under RS after the NSC has forwarded a case to them.