

THE ENVIRONMENT AND CLIMATE CHANGE

Findings

- During the Commission's 2020 reporting year, top Chinese Communist Party and government officials continued to highlight the importance of protecting the environment, yet environmental pollution remained a major challenge in China. Pollution remained a challenge due in part to authorities' top-down approach to environmental problems, uneven enforcement, transparency shortcomings, and the suppression and detention of environmental researchers and advocates.
- The Party continued to control environmental protection efforts, and in April 2020, Sun Jinlong was appointed Party Secretary and Vice Minister of Ecology and the Environment. Previously, Sun had been Party Secretary of the paramilitary Xinjiang Production and Construction Corps. Despite widespread international criticism, reports emerged in November 2019 and March 2020 that Chinese authorities were reportedly planning to execute environmental researcher and former Xinjiang University President **Tashpolat Teyip**.
- In 2019, although an estimated 71 percent of China's power plants were more expensive to run than building new renewables, coal-fired power plant capacity increased by around 40 gigawatts (GW) (a 4-percent increase). Analysis of officially reported Chinese government data indicated that carbon dioxide emissions in China increased by approximately 2 percent. Domestic and international environmental organizations raised concerns that China's planned economic stimulus measures may promote the use of coal and investment in heavily polluting industries, resulting in significant additional environmental pollution.
- Although Chinese and international concern focused on the zoonotic origin of the novel coronavirus, the Chinese government continued to permit wildlife trade for traditional Chinese medicine. In January 2020, the Chinese government announced a temporary ban on the sale of wildlife, and in February, the National People's Congress issued a decision banning the sale of wildlife for consumption; however, wildlife trade was still permitted for traditional Chinese medicine and illegal trade in wildlife reportedly continued to be widespread.
- In March 2020, the Chinese government expelled over a dozen U.S. journalists, including correspondents who had provided in-depth reporting on environmental issues in China, such as Gerry Shih of the Washington Post and Stephanie Yang of the Wall Street Journal. The expulsion of journalists such as these will hamper China's and the world's ability to understand China's environmental challenges and make necessary changes, including by holding companies and officials responsible for environmental violations.
- The Chinese government and Communist Party's top-down environmental governance continued to allow some limited space for environmental non-governmental organizations (NGOs), in contrast to the increasing crackdown on civil society organizations more broadly. In March 2020, a court in

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Kunming municipality, Yunnan province, supported the first preventative public interest litigation in China. In May 2020, the Supreme People's Court reported that in 2019 Chinese courts had accepted 179 civil environmental lawsuits filed by NGOs, an increase of 175 percent from 2018.

- In 2020, the Chinese government continued to classify water management levels as state secrets, displaying a continuing lack of transparency regarding important environmental information. In April 2020, a U.S.-based NGO used satellite analysis to discover that Chinese dams were blocking the flow of the Mekong River and causing drought downstream in Laos, Myanmar, Thailand, Cambodia, and Vietnam despite Chinese government claims that this was not occurring, demonstrating the impact on neighboring countries of the Chinese government's lack of transparency.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

- Call on the Chinese government to cease harassment of environmental advocates and follow international standards on freedom of speech, association, and assembly, including those contained in the International Covenant on Civil and Political Rights, the Universal Declaration of Human Rights, and China's Constitution.
- In meetings with Chinese officials, raise the detention of environmental researcher and former Xinjiang University President **Tashpolat Teyip**. Specific points that could potentially be raised about his case are the following, which were raised by UN Special Procedures in their December 2019 letter:
 - That information about his current place of detention should be made public;
 - That his family should be allowed to visit him; and
 - That his trial should be independently reviewed, taking into account his right to a fair trial and due process of law.
- In meetings with Chinese officials, raise the detentions of Tibetan village head **Karma**, detained in February 2018; **Anya Sengdra**, a Tibetan who had campaigned against corruption and for environmental protection; and founder **Xue Renyi** and worker **Pan Bin** of Chongqing municipality-based Green Leaf Action.
- Support efforts by Chinese and U.S. groups working to use satellite analysis and remote sensing to monitor environmental problems in China, and also expand awareness of citizens' environmental rights in China and the protection of those rights.
- Encourage Chinese leaders to strengthen the rule of law and transparency in the environmental and climate sectors. Raise questions with Chinese officials about the manipulation of environmental data and censorship of environmental news reporting.

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Introduction

During the Commission's 2020 reporting year, top Chinese Communist Party and government officials continued to highlight the importance of protecting the environment,¹ yet environmental pollution remained a major challenge in China.² Pollution remained a challenge due in part to authorities' top-down approach to environmental problems,³ uneven enforcement,⁴ transparency shortcomings,⁵ and the suppression and detention of environmental researchers and advocates.⁶ There continues to be limited space for environmental non-governmental organizations in China to operate,⁷ but the government and Party do not encourage environmental advocacy, as demonstrated by the harassment of environmental advocates.⁸ A New York-based research organization, the Rhodium Group, estimated, based on economic and energy data, that carbon dioxide emissions in China increased by 2.6 percent in 2019,⁹ even as the Chinese government approved plans for the development of new coal-fired power plants.¹⁰ At the annual meetings of the National People's Congress and Chinese People's Political Consultative Conference (Two Sessions), Premier Li Keqiang announced that the Chinese government was dropping annual growth targets, which may allow for stronger environmental protection.¹¹ However, air quality and emissions targets were dropped for the first time since 2014, leading one environmental advocate to express concern that eliminating these targets shows that "economic considerations clearly trumped all other issues, including environmental protection."¹²

Communist Party Control

During this reporting year, the Communist Party continued to control environmental protection efforts.¹³ In April 2020, Sun Jinlong was appointed as Party Secretary and Vice Minister of Ecology and the Environment (MEE).¹⁴ Previously, Sun had been Party Secretary of the paramilitary Xinjiang Production and Construction Corps (XPCC), commonly known as the Bingtuan.¹⁵ According to the U.S. Department of State, the XPCC is directly involved in forced labor and possibly other human rights abuses in the Xinjiang Uyghur Autonomous Region (XUAR).¹⁶ In October 2018 written testimony to the House Foreign Affairs Committee, Nury Turkel, the Chairman of the Uyghur Human Rights Project, identified Sun as one of the individuals most responsible for the severe human rights abuses in the XUAR.¹⁷ The lack of accountability of Chinese officials in other areas may impact the ability of the U.S. Government to work with them on issues impacting environmental cooperation.¹⁸ Nevertheless, during this reporting year, the U.S. Environmental Protection Agency and U.S. Department of Justice continued to cooperate with MEE.¹⁹ [For more information on human rights abuses in the XUAR, see Section II—Business and Human Rights and Section IV—Xinjiang.]

Party control is also important in provincial environmental protection efforts. In July 2020, Li Ganjie, the previous Party Secretary and Environment Minister, was selected to be governor of

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Shandong province.²⁰ Shandong is the largest producer of aluminum, the processing of which can result in severe pollution, and in 2019, MEE criticized provincial officials for deceiving central-level investigators and for failing to meet obligatory targets.²¹ In 2017, central government officials ordered Shandong officials to limit aluminum production capacity to 4 million tons, but by 2019, officials had increased capacity to over 12 million tons.²²

Suppression of Environmental Cooperation, Information, Protests, and Advocacy

During the 2020 reporting year, Chinese citizens continued to raise concerns about health issues related to the environment through street-level protests and other forms of public advocacy at the risk of being persecuted, such as by imprisonment. China's Constitution provides for freedom of speech, assembly, and association,²³ as do the International Covenant on Civil and Political Rights (ICCPR),²⁴ the Universal Declaration of Human Rights,²⁵ and the UN Human Rights Council Framework on Human Rights and the Environment.²⁶

United Nations human rights experts and international scholars expressed particular concern over the Chinese government's detention of environmental researcher and former Xinjiang University President **Tashpolat Teyip**.²⁷ In October 2019, over 1,000 scholars from more than 50 countries signed a letter to the Chinese government expressing concern about scientific freedom and requesting Teyip's unconditional release.²⁸ Teyip is a highly regarded geographer of Uyghur ethnicity who studied industrial pollution from coal mining and was detained in March 2017 when he was traveling to Germany to "launch a major new research partnership" and attend a scientific conference.²⁹ The Leibniz Institute for Applied Geophysics in Hanover, Germany, planned for Teyip to take part in the opening of a joint research center with Xinjiang University to study underground coal fires.³⁰ Amnesty International reported in September 2019 concerns that authorities were planning to imminently execute Teyip,³¹ and in April 2020, reported that there was still some risk of execution and that there continued to be grave concerns about his future.³² In December 2019, UN experts, including special rapporteurs and members of the UN Working Group on Enforced or Involuntary Disappearances and the UN Working Group on Arbitrary Detention, expressed concern to the Chinese government that Teyip had been sentenced to death and requested that "[Teyip's] trial should be independently reviewed, taking into account his right to fair trial and due process of law" and noting concerns about "incommunicado detention, enforced disappearances and secret trials" and possible violation of the ICCPR.³³ On December 26, the Ministry of Foreign Affairs strongly criticized the UN experts for an "irresponsible accusation" and "typical 'double standards,' which only [undermine] gravely the credibility of the relevant mandate holders."³⁴ The Chinese government stated that Teyip had been arrested on "suspicion of corruption and bribery" and that his trial was still underway, and further urged "the relevant Special Procedure mandate holders to abide by the purposes and principles of the UN Charter, perform their duties impartially and objectively in accordance with the mandates of

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the Human Rights Council and the Code of Conduct of the Special Procedures, and stop interfering in other countries' internal affairs and judicial sovereignty.”³⁵

Government pressure on researchers and scholars in China has impacted individuals' willingness to speak with foreign media on environmental issues. The March 2020 Foreign Correspondents' Club of China annual working conditions report highlighted how “scientific researchers decline to comment even to discuss their own published papers” and that “[e]ven Western analysts, for example, commodities researchers, decline to discuss previously non-controversial subjects, like pollution, on the record for fear of political sensitivities.”³⁶

The following cases of harassment and detention not only illustrate environmental complaints raised by Chinese citizens but also reveal an ongoing lack of protection for citizens' rights when they raise environmental concerns and shortcomings in environmental transparency:

- **Environmental protection in Qinghai province.** In December 2019, a court in Guoluo (Golog) Tibetan Autonomous Prefecture, Qinghai, sentenced local anticorruption and environment advocate **Anya Sengdra** to seven years' imprisonment for “gathering a crowd to disturb social order” and “picking quarrels and provoking trouble.”³⁷ In indicting Anya Sengdra as well as nine co-defendants, authorities accused him of using WeChat to organize local residents and discuss local political issues, including government corruption and environmental protection.³⁸ According to the rights group International Tibet Network, “[Anya Sengdra's] environmental protection work has lead [sic] to him being classed as a criminal rather than an environment justice hero.”³⁹ [For more information on Anya Sengdra, see Section V—Tibet.]

- **Crematorium in Guangdong province.** In November 2019, thousands of residents in Wenlou town, Huazhou city, Maoming municipality, Guangdong, protested government plans to build a crematorium on land that the government had indicated to residents would be used as a park near the local water supply and housing.⁴⁰ Reports indicated that as many as 100 people may have been detained due to their involvement in the protests.⁴¹ In December, thousands of people in the nearby town of Boyang protested because they believed that the government planned to build a crematorium in their town.⁴²

- **Environmental group in Chongqing municipality.** In July 2019, Chongqing authorities approved the arrest of **Xue Renyi**, the founder of Green Leaf Action,⁴³ more than one year after detaining him in May 2018.⁴⁴ At a December 2018 trial, authorities sentenced **Pan Bin**, a member of Green Leaf Action, to four years in prison for “picking quarrels and provoking trouble.”⁴⁵ Green Leaf Action advocates for environmental protection, and in 2016, police had warned Xue that the group was being “controlled” by “foreign forces.”⁴⁶

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Environmental Monitoring and Persistence of Severe Pollution

During this reporting year, although officials reported some improvements in air quality, severe pollution persisted in China. In January 2020, Li Ganjie, Minister of Ecology and the Environment (MEE) said that “[t]he quality of environmental monitoring data is the lifeblood of environmental protection work. If environmental management is a high-rise, the monitoring work is the key pillar of the building.”⁴⁷ Li noted that there were “30 cases of people attempting to tamper with data by spraying water over equipment at national-level air monitoring stations” in the previous year.⁴⁸ According to official figures, annual average concentrations of fine particulate in China continued to decrease in 2019, with 46.6 percent of the 337 cities monitored meeting the annual Chinese National Ambient Air Quality Standard.⁴⁹ In February 2020, however, Beijing municipality had severe levels of air pollution despite the shutdown of much of the economy in response to the coronavirus pandemic.⁵⁰ According to one analyst, unfavorable weather patterns combined with emissions from continued steel production and residential heating were the likely reasons for the “very unhealthy” pollution.⁵¹

In 2019, MEE reported that there were 263 major environmental accidents.⁵² Two notable accidents this reporting year occurred at the following facilities, which authorities had previously fined for environmental violations:

- **Chemical explosion in Zhejiang province.** In December 2019, nine people died from a wastewater tank explosion at a factory in Haining city, Jiaxing municipality, Zhejiang.⁵³ Although authorities had issued administrative penalties against the factory multiple times for failing to keep proper records and for excessive waste discharge, the factory continued to operate.⁵⁴ Illustrating the widespread nature of weak enforcement, in November 2019, a State Council investigation reported that the unrelated March 2019 chemical explosion in Xiangshui county, Yancheng municipality, Jiangsu province, that killed 79 people was due in part to ineffective environmental enforcement and falsified environmental analysis.⁵⁵ Gerry Shih, a Washington Post correspondent based in China, had reported on the Xiangshui explosion among other issues the Chinese government deems politically sensitive.⁵⁶ Shih was one of about a dozen U.S. journalists expelled from China in March 2020.⁵⁷
- **Chemical spill in Heilongjiang province.** In March 2020, a leak at a mine tailings dam in Heilongjiang owned by Yichun Luming Mining, a subsidiary of China Railway Resources Group, was the largest reported tailings dam leak in the last 20 years⁵⁸ and resulted in pollution over 200 kilometers downstream.⁵⁹ In 2018, the mine received two administrative fines for violations of tailings pond management.⁶⁰

Environmental Transparency and State Secrets

Research published by the Institute for Public and Environmental Affairs (IPE) and the National Bureau of Economic Research (NBER) highlighted increased environmental transparency

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and the value of publicly releasing environmental information. In January 2020, IPE, a Chinese environmental non-governmental organization (NGO), published its 10th annual report ranking cities in China based on pollution information transparency,⁶¹ and overall found “historic progress” in increased data quantity and improved data quality.⁶² In a May 2020 report, NBER found that the benefits of publicly releasing environmental information were an “order of magnitude higher than its costs”⁶³ and that Chinese corporations and the Chinese public are more willing to spend more to comply with pollution standards, or avoid polluted areas, respectively, if there is greater access to pollution information.⁶⁴

In 2020, however, some important environmental and geographic information in China continued to be classified as state secrets, including water management levels. In April 2020, a U.S.-based NGO used satellite analysis to discover that Chinese dams were blocking the flow of the Mekong River and causing drought in downstream countries of Laos, Myanmar, Thailand, Cambodia, and Vietnam; the Chinese government’s official response reportedly was that this conclusion was “unreasonable.”⁶⁵

Public Interest Litigation

During the 2020 reporting year, Chinese NGOs reportedly had limited success in public interest litigation. In May 2020, the Supreme People’s Court reported that in 2019 Chinese courts had accepted 179 civil environmental lawsuits filed by NGOs, an increase of 175 percent from 2018.⁶⁶ In March 2020, a court in Kunming municipality, Yunnan province, supported the first preventative public interest litigation in China.⁶⁷ The NGO Friends of Nature filed the litigation to prevent the harmful impact of a hydroelectric dam before it was finished.⁶⁸ The court ruled that the companies building the dam must halt construction due to the environmental impact assessment, although construction could be permitted to restart in the future.⁶⁹ In May, the National People’s Congress revised the civil code so that it allows for increased redress to people harmed by pollution.⁷⁰

Assessing the Chinese Government’s Commitment to and Effectiveness in Combating Climate Change

During the 2020 reporting year, carbon dioxide emissions, which are a contributing factor in climate change, continued to increase in China, although officials maintained calls for “green development.” According to the U.S. National Oceanic and Atmospheric Administration, increasing carbon dioxide concentrations are mostly due to the burning of fossil fuels for power, and “increases in atmospheric carbon dioxide are responsible for about two-thirds of the total energy imbalance that is causing Earth’s temperature to rise.”⁷¹ In April 2020, the Carbon Tracker Initiative, a United Kingdom-based think tank, published its analysis that found 71 percent of China’s power plants “costs more to run than building new renewables.”⁷² However, in 2019, coal-fired power plant capacity increased by around 40 gigawatts (GW) (a 4-percent increase).⁷³ Based on analysis of Chinese government annual data by international experts, carbon dioxide emissions in China increased by

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approximately 2 percent in 2019, despite monthly data indicating that the emissions increased by 5 to 6 percent, indicating the uncertainty regarding estimates.⁷⁴ As of January 2020, there was reportedly more than 135 GW of coal-fired power capacity either permitted or under construction⁷⁵—more than half the 246 GW of capacity in the United States.⁷⁶ During 2020, international experts expressed concern about Chinese government economic stimulus plans due to the potentially negative effects of increasing emissions and air pollution.⁷⁷ In addition to carbon dioxide emissions, coal-fired power plants are one of the main causes of other types of air pollution in China.⁷⁸ As an illustration of the potential air pollution impacts of stimulus measures, the “‘airpocalypse’—the horrendous smog of the winter 2012–3—was a direct outcome of the smokestack stimulus started in 2008.”⁷⁹ Even in late 2019, reports, including one by Wall Street Journal reporter Stephanie Yang, indicated that China may begin again to increasingly rely on coal.⁸⁰ In March 2020, Yang was one of over a dozen U.S. journalists expelled from China, highlighting how reporting, including on climate policy, in China may be negatively impacted in the future.⁸¹ Demonstrating the mixed messages from the Chinese government concerning its commitment to combating climate change, in April 2020, the National People’s Congress released a draft Energy Law for public comment that included the goal of reducing greenhouse gas emissions to combat climate change.⁸² Article 19 of the draft law provides that “[t]he state will strengthen supervision of pollutants and greenhouse gas emissions from the energy industry.”⁸³

The African Swine Fever and Water Pollution

During this reporting year, the Chinese government continued to fight the African Swine Fever (ASF).⁸⁴ As of September 2019, ASF had resulted in a reduction in the number of pigs in China by 40 percent, with economic losses of over one trillion yuan (approximately US\$140 billion).⁸⁵ The Chinese government’s measures to combat water pollution from pig farms was reportedly a significant indirect factor in the rapid spread of ASF, as environmental regulations to prevent water pollution from pig waste resulted in the closing of some pig farms in southern China and, in turn, increased long-distance transport of pigs raised in northern China.⁸⁶ A March 2020 investigation by Reuters found that “the fear of political consequences” and insufficient funds to compensate farmers resulted in local officials not publicly confirming ASF cases as the disease began to spread widely.⁸⁷

Wildlife Trade, COVID–19, and Biodiversity

The Chinese government did not adequately restrict the wildlife trade in China, posing a significant public health risk due to the possible connection between the wildlife trade in China and the spread of coronavirus disease 2019 (COVID–19).⁸⁸ In late January 2020, Chinese and international media focused on wildlife trade in China as reports indicated that a wet market in Wuhan municipality, Hubei province, might be linked to the spread of a novel coronavirus that ultimately developed into a global pandemic.⁸⁹ Scientific analysis has found that pangolins and bats are carriers

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of coronaviruses similar to COVID-19; however, scientists are still uncertain as to the exact origin of the coronavirus.⁹⁰ The international trade in all eight species of pangolins is prohibited by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).⁹¹ The Chinese government, however, continues to support the use of pangolin scales and parts from other threatened wild animals, including leopard bones and bear bile, in traditional Chinese medicine.⁹² In January 2020, the Chinese government announced a temporary ban on the sale of wildlife.⁹³ In February 2020, the National People's Congress Standing Committee issued a decision that banned the trade of terrestrial wildlife for consumption;⁹⁴ however, the trade in wildlife for medical purposes was not banned,⁹⁵ and international media reported that wildlife products continued to be sold in China.⁹⁶ In an example of the risks of wildlife trade to public health and the difficulty of stopping such trade, the SARS pandemic in 2002 and 2003 was linked to wildlife markets in Guangdong province.⁹⁷ Authorities temporarily suspended trade in wild animals in certain areas of China at that time but the trade was later resumed.⁹⁸ A 2017 Chinese Academy of Engineering analysis reported the value of the wildlife trade in China at over 520 billion yuan (approximately US\$73 billion), indicating the economic importance of the wildlife trade in China.⁹⁹ The Guardian newspaper reported that "the acting executive secretary of the UN Convention on Biological Diversity said countries should move to prevent future pandemics by banning 'wet markets' that sell live and dead animals for human consumption."¹⁰⁰ According to Nature magazine there is "no substantial evidence that most [traditional Chinese medicine practices] work."¹⁰¹ However, in May 2020, the Beijing Municipal Health Commission and other municipal agencies released draft regulations that would criminalize behavior that harmed the reputation of traditional Chinese medicine.¹⁰²

The coronavirus outbreak impacted major environment-related legislation and events. In February 2020, due in part to concerns about the possible origin of the COVID-19 virus in wildlife trade, the National People's Congress added revisions to the PRC Wildlife Protection Law¹⁰³ to its legislative calendar¹⁰⁴ and passed a decision banning the trade in wild animals.¹⁰⁵ Due to the COVID-19 pandemic, international organizations delayed major environmental meetings scheduled for 2020.¹⁰⁶ Delayed meetings included the 15th conference of the parties to the Convention on Biological Diversity, which is focused on protecting biodiversity and had been scheduled to take place in Kunming municipality, Yunnan province, in October 2020.¹⁰⁷

Notes to Section II—The Environment and Climate Change

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⁴ Li Ganjie, “Li Ganjie: jianjue zhengzhi pingshi bu zuowei jishi ‘yi dao qie’ wenti [Resolutely rectify the problem of “one size fits all” enforcement], *China Environment News*, reprinted in *Xinhua*, November 29, 2019; Hou Liqiang, “Environment Watchdog Says Situation Grim,” *China Daily*, January 14, 2020; Alex L. Wang, “Symbolic Legitimacy and Chinese Environmental Reform,” *Environmental Law* 48, no. 4 (January 2019).

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⁸ Catherine Maticic, “‘There’s No Hope for the Rest of Us.’ Uyghur Scientists Swept Up in China’s Massive Detentions,” *Science Magazine*, October 10, 2019; Dui Hua Foundation, “From Hu to Xi: China’s Grip on Environmental Activism Part I: Mass Protests and the Threat to Activists,” *Dui Hua Human Rights Journal*, July 17, 2019.

⁹ Mikhail Grant and Kate Larsen, Rhodium Group, “Preliminary China Emissions Estimates for 2019,” March 18, 2020.

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¹¹ Chandran Nair, “China’s Decision to Drop Economic Growth Target Is a Blessing in Disguise,” *South China Morning Post*, May 31, 2020; State Council, Report on the Work of the Government, May 22, 2020, 8.

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²³ *PRC Constitution*, passed and effective December 4, 1982 (amended March 11, 2018), art. 35.

²⁴ International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, arts. 19, 21–22; United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, accessed April 20, 2020. China has signed but not ratified the ICCPR.

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²⁷ Catherine Maticic, “There’s No Hope for the Rest of Us.’ Uyghur Scientists Swept Up in China’s Massive Detentions,” *Science Magazine*, October 10, 2019. For more information on Tashpolat Teyip, see the Commission’s Political Prisoner Database record 2019-00064.

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