

**ANTI-NGO LAWS
AND OTHER TOOLS OF DEMOCRATIC REPRESSION**

HEARING

BEFORE THE

COMMITTEE ON FOREIGN RELATIONS

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THURSDAY, SEPTEMBER 12, 2024

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The committee met, pursuant to notice, at 10:37 a.m., in room SD-419, Dirksen Senate Office Building, Hon. Benjamin L. Cardin, chairman of the committee, presiding.

Present: Senators Cardin [presiding], Shaheen, Coons, Kaine, Van Hollen, Helmy, and Risch.

**OPENING STATEMENT OF HON. BENJAMIN L. CARDIN,
U.S. SENATOR FROM MARYLAND**

The CHAIRMAN. This hearing of the Senate Foreign Relations Committee will come to order.

Our hearing today is on anti-NGO laws and other tools of democratic repression, and we thank our witnesses for being here to share their expertise and knowledge and to help us deal with this extremely important subject, a trend that we have seen growing that is adding to the concerns of the backsliding of democratic states.

The use of defamation laws, foreign agent registration laws, and anti-NGO laws to silence free speech is nothing new.

We see it in Russia, in Nicaragua, and Uganda, whose leaders have long used these tools to target journalists, judges, civil society activists, and opposition political figures to consolidate power and silence dissenting voices and views.

Ethiopia has shuttered over 1,500 civil society organizations for failing to submit their annual reports. Uganda's horrific new law targeting LGBTQI+ individuals has resulted in mass evictions, violence, and arrests.

India, over the years, has weaponized this Foreign Contribution Regulation Act to suspend several American and international NGOs' operations in the country including respected human rights organizations like Amnesty International.

And Hungary launched an investigation into Transparency International, a nongovernmental organization that takes on corruption worldwide.

Of course, the Chinese Communist Party in Beijing is an expert as using so called legal mechanisms to silence citizens and critics alike.

Nowhere has this been more on display than what has occurred in Hong Kong in recent years as the passage of the National Security Law and entry into force of Article 23 destroyed what remains of Hong Kong's democracy.

But in recent years we have also seen more and more nations that we would consider mostly democratic or partially free turning to these laws as tools of repression.

It is deeply concerning that democracies from Georgia to India to Turkey have used their legal systems against journalists, opposition politicians, human rights defenders, and civil societies.

So I want to thank our witnesses for appearing before us today to discuss this important topic. You have all done impressive work in this space.

I want to acknowledge that many of these laws are totally legitimate. There are reasons to register foreign agents, to protect individuals from defamatory attacks, to require NGOs to pay fees or taxes one time, to use Interpol red notices to track down fugitives and criminals.

And you might hear some of these actors claim we are not anti-civil society; you have a registration of the 501(c)(3) laws in the United States.

Yes, but of course, the problem is when these laws are turned into tools of repression and intimidation. Those in power know the effects of these tactics.

They have led to draw on expensive procedures. The heavy financial and psychological cost of these legal measures on their targets creates a chilling effect, silencing government critics and stifling democratic dissent.

That is why as chairman of this committee I have made it a concerted effort to counter these trends: the Human Rights Defenders Act, which I introduced this year, the Transnational Repression and Accountability and Prevention Act, which was enacted last year, the International Freedom Protection Act, which the committee has reported out, and of course, the Global Magnitsky Human Rights Accountability Act.

Since the Global Magnitsky sanctions program went into effect in 2017 the United States has sanctioned over 650 foreign persons and entities. Congress, acting on a bipartisan basis, has made huge impacts in supporting and defending human rights.

The United States and the international community have certainly taken important steps to address these challenges. I am very supportive of programs like Reporter Shield, Journalists in Distress Network, Scholars at Risk, and the lifeline embattled CSO assistance funds.

These are all critically important. But we need to do more, and time is of the essence.

For so many years the Republic of Georgia has been a bright spot in the former Soviet Union. But just this April, despite massive street demonstrations, the government passed a foreign influence registration law that goes into effect this fall. Amazingly, this law is modeled after a Russian law, and considering what Russia has done to Georgia, that is unbelievable that they would follow that path that allows the government to target nonprofits and activists.

It intends to intimidate and ultimately force the closure of civil society voices that are out of step with the government.

The sponsors of the law and the governing Georgia Dream political party have been very clear about their intentions and about which civil society actors they perceive as enemies.

The poster behind me shows a bank of posters hung in front of one of our witnesses' home, Eka Gigauri. She has to face that every morning when she walks out of her house. Similar posters have been placed in front of Transparency International offices.

These posters say, "Our homeland is not for sale," calling in question the loyalty of the people that are advocating against these repressive laws, a statement intended to impugn and label NGO leaders as foreign agents.

Congress and this committee in particular has a responsibility to take bold legislative action to confront the use of these laws head on and to support the bold activists that are determined to hold on to democracy.

Today in my office I am releasing a video showcasing the incredible stories and work of human rights defenders, courageous people from Uganda, Venezuela, Burma, and Colombia who are speaking out in order to hold their governments accountable.

I encourage you to visit the Senate Foreign Relations Committee website and our Twitter account at SFRC—Dems to watch the video.

I hope my colleagues on both sides of the aisle will work to protect the essential elements of liberal democracies: Freedom of speech, freedom of assembly, media freedom, and religious freedom.

I look forward to hearing from our witnesses, their assessment of our efforts in this regard so far, and suggestions on how we can be more effective in the years to come.

It is now my pleasure to turn to the distinguished ranking member, Senator Risch, for his opening comments.

**STATEMENT OF HON. JAMES E. RISCH,
U.S. SENATOR FROM IDAHO**

Senator RISCH. Well, Mr. Chairman, thank you so much for that, and certainly your work in this field is to be recognized and appreciated.

First and foremost, I think we should all agree and recognize this is not a partisan issue. This is a bipartisan issue, and it is an American issue and something we all need to work on together.

Unfortunately, it is a fact that autocrats and their governments will do whatever it takes to stay in power. They survive and in some cases reemerge, using creative methods to repress their political opposition and silence human rights advocates and others who seek to shine a light on their actions.

The tool of choice for authoritarians these days is anti-non-governmental organization laws, also referred to as foreign agent laws. These laws claim to stop foreign influence but in reality are used to close the space for civil society and opposition.

Autocrats fear the loss of control, and this ensures opposing ideas are neither seen nor heard. It should not surprise anyone that the model anti-NGO law was first designed by Vladimir Putin.

Russia's anti-NGO law has been used as a model since then across the world in repressive places. In nations like Azerbaijan and Belarus dictators have used lawfare to consolidate control and close the space that once existed for small amounts of free speech.

Laws that criminalize government watchdogs and champions of democracy are used to crush dissent and shield corrupt officials from scrutiny.

In places like Sudan and Syria both formal and informal restrictions are used by malign actors to control what, when, where, and to whom life saving aid can be delivered.

This weaponization of restrictions against legitimate NGOs undermines U.S. values and interests. I am particularly concerned about our friends in Georgia. Despite clear statements from the EU, the passing laws to restrict NGO activities will halt EU membership.

Georgia's government has persisted. I am glad the U.S. has undertaken a review of our policies toward Georgia and am supportive of the current pause in assistance.

Senator Shaheen and I were pleased to go to Georgia in 2012 as we watched the first real free and fair election. I think both of us were very pleased at what happened and the way it was initially received.

Since then, our confidence and our view, at least mine, and I think, having conversations with Senator Shaheen, have been disappointed, and I think that is probably an understatement, at the movement back toward what the Georgian people had been blessed with, and that was freedom from the Russian bear.

So we hope as we go forward that things turn around in Georgia. Hungary has also made several attempts to advance anti-NGO legislation, and Slovakia has an active proposal that would require NGOs that receive funding from abroad to label themselves organizations with foreign support.

The EU has warned that it will take legal action and launch infringement procedures against Slovakia if it does so.

In China it is no surprise the government views foreign NGOs as threats to its national security. Its anti-NGO law drastically reduced the ability of both foreign and domestic civil society actors to work in China.

China is locking up human rights advocates and torturing them, and it is pursuing them abroad through transnational repression.

We must remember these victims and advocate for them. I am submitting a list of their names for the record. Beijing's actions do not occur in a vacuum. When it prosecutes human rights advocates other authoritarian actors take note.

In 2020 Beijing unilaterally imposed a national security law on Hong Kong ending the city's fragile autonomy. Since then the Hong Kong government has weaponized this law and other colonial era laws to criminalize political dissent.

I think we are all aware of the terrible case of Jimmy Lai. His trial has been delayed repeatedly and is a mockery of the rule of law. Hundreds of other political prisoners have been jailed alongside Mr. Lai in Hong Kong, and the government has even pursued dissidents who fled by issuing extraterritorial arrest warrants.

In Africa many governments use anti-NGO laws to restrict civil society activities, limit funding from international donors, and control the operations of local and international partners, including USAID.

This is happening in countries like Tunisia, Tanzania, Sudan, Chad, Zimbabwe, and Rwanda. These examples I have just cited are just a few of the many that occur all around the world.

This problem is only growing as technology changes and those in power find new ways to hold on to control. The United States must do more to combat this trend.

I look forward to hearing from the witnesses today what they are doing and what more can be done on this important issue.

With that, I yield back to you, Mr. Chair.

The CHAIRMAN. Let me thank Senator Risch for his opening comments, and as you pointed out in the beginning, I could have given your opening statement, you could have given my opening statement, because I think we both agree on the challenges that we have to democratic states and other oppressive states on the use of these tools.

So today we are honored to have three distinguished witnesses. I am going to introduce each of you. Your full statements will be made part of the record. We will ask that you proceed to try to summarize your comments in about 5 minutes, leaving time for questions.

We are honored to welcome Mr. Douglas Rutzen, the president and CEO of the International Center for Nonprofit Law, where he has worked to improve the legal environment for civil societies and public participation worldwide.

Mr. Rutzen also serves on the OECD Civic Space Observatory Advisory Group and previously served on the advisory board of the U.N. Democracy Fund. He has also served on USAID Administrators Advisory Committee on Voluntary Foreign Aid and co-chaired the State Department's Global Philanthropy Working Group.

I am also honored to welcome Ms. Eka Gigauri, a Georgian public figure and civil activist who has been the executive director of Transparency International Georgia since 2010, one of the leading organizations in the fight against corruption.

She has bravely led efforts to counter Georgia's anti-civil society legislation. She has also deep government experience, firmly serving as the deputy head of the Border Police of Georgia where she successfully moved forward anti-corruption reforms and within the ministry of foreign affairs.

And last, I am pleased to welcome Yaqiu Wang, the research director for China, Hong Kong, and Taiwan at Freedom House. Ms. Wang has an extensive history of working on human rights issues in the region.

Previously served as a senior China researcher at Human Rights Watch. She has also worked on press freedom issues with the Committee to Protect Journalists focusing on China and other Asian countries.

With that, we will start with Mr. Rutzen.

STATEMENT OF DOUGLAS RUTZEN, PRESIDENT AND CHIEF EXECUTIVE OFFICER, INTERNATIONAL CENTER FOR NOT-FOR-PROFIT LAW, WASHINGTON, DC

Mr. RUTZEN. Thank you, Chairman Cardin, Ranking Member Risch, distinguished members of the committee. It is an honor to testify today.

First, the data. In the last 5 years, 72 countries have introduced 270 measures restricting civil society. Governments are converting the rule of law into the rule by law to control civil society and constrain civic freedom.

Disaggregating the data, 33 percent of the measures restrict the ability to form or operate a nonprofit. Last month in Venezuela the National Assembly passed a law that would give Maduro's regime unbridled discretion to determine which nonprofits can exist.

At the same time, as Chairman Cardin referenced, Nicaragua closed down 1,500 nonprofits including religious organizations, human rights groups, and the American Chamber of Commerce in Nicaragua. In Afghanistan the government issued an order banning women from working in a nonprofit.

So the first trend from the data: Barriers to participate in civil society. Second, governments are restricting the ability of civil society to access resources.

Consider Niger, where a nonprofit requires governmental approval to receive donations even from local businesses or citizens. Other countries, including Egypt, require governmental approval to receive international philanthropy or bilateral assistance.

We are also finding, as Chairman Cardin and Ranking Member Risch articulated, the rise of these anti-foreign influence laws, which are overbroad and intended to defund, delegitimize, and intimidate defenders of democracy.

And this brings me to the third and final trend from the data. Fifty percent of the restrictions sweep across society. Examples include the national security law in Hong Kong, Burma's counterterrorism law, and Belarus's law on extremism.

Governments are using these laws to target defenders regardless of the sector they are in, whether civil society, business, the media, or otherwise. They also couple this with other tools including surveillance, harassment of the defenders and their families, imprisonment, or worse.

As a result, we are seeing a holistic compression of civic space. Some say that the world is witnessing a democratic recession, but many countries have already entered a new phase: The great recession.

But progress is possible thanks to courageous colleagues on the front lines in the defense of democracy. And how can this committee support those efforts? As detailed in my written testimony, there are three Ps: Programs, personnel, and policy.

First, programs. The U.S. Government should create a global program to serve as an early warning system and to preemptively address anti-NGO laws.

In terms of mitigation programs, let us ramp up initiatives that help defenders operate in restrictive environments. A good example is the Surge and Sustain Fund which helps defenders access the

internet. And let us expand protection programs to cover the full range of defenders under threat.

Second, personnel. Let us ensure there is sufficient personnel at both State and AID to address the defense of democracy including transnational repression.

Finally, policy. Senator Cardin, I thank you for your leadership in championing the Global Magnitsky Act. However, in recent years there has been a slowdown in the use of sanctions. Perhaps the committee could exercise oversight authority to promote the more effective use of these authorities.

Finally, as bills advance through the Senate, please help ensure that they safeguard civil society, not only internationally but also here at home.

In closing, thank you for holding this hearing and inviting me to testify. I look forward to your questions.

[The prepared statement of Mr. Rutzen follows:]

Prepared Statement of Mr. Douglas Rutzen

Chairman Cardin, Ranking Member Risch, distinguished members of the Senate Foreign Relations Committee: thank you for inviting me to testify. I appreciate your interest in the legal environment for civil society around the world.

DEMOCRATIC REPRESSION

According to Freedom House, global freedom has declined for 18 consecutive years. Seventy-one percent of the world's population—5.7 billion people—live in autocracies. Some say the world is witnessing a “democratic recession,” but many countries have already entered a new phase: the Great Repression.

As a tool of repression, governments are enacting legislation to restrict civil society, including human rights groups, development organizations, religious organizations, and chambers of commerce. In doing so, governments undermine freedom, peace, and prosperity.

According to ICNL data, 72 countries have introduced more than 270 legal initiatives restricting civil society over the past 5 years. Governments are converting the rule of law into the rule by law. They are using legislation to consolidate power, control civil society, and constrain civic freedom.

GLOBAL TRENDS

Lifecycle Legislation

Thirty-three percent of recent restrictions undermine the right of people to form and operate a civil society organization (“CSO”). Combined with preexisting laws, governments have erected significant legal barriers to enter civic space. For example:

- In Belarus, organizing or participating in the activities of an unregistered association is a criminal offense subject to imprisonment.
- In Eritrea, a citizen seeking to establish a relief organization must have access to \$1 million, which is more than the average Eritrean will earn in her entire lifetime.
- In Afghanistan, the Ministry of Economy issued a ban on female employees of domestic and international CSOs.
- Last month, the National Assembly of Venezuela passed a law that gives the government almost unbridled discretion over which CSOs can register and subjects registered organizations to strict government control.
- At the same time, the Nicaraguan government revoked the legal status of more than 1,500 nonprofits, including hundreds of religious organizations, the American Chamber of Commerce of Nicaragua, and human rights groups.

Access to International Solidarity and Support

Governments are restricting the right of civil society to receive funding from domestic and international sources. Instead of defending civil society, they are defunding civil society, undermining fundamental freedoms and property rights. For example:

- In Niger, development CSOs must obtain government approval to receive donations, including from local citizens and businesses.
- In Saudi Arabia, a CSO must have the government's permission to organize domestic fundraising events, even a gala dinner.
- In Egypt and many other countries, the government has broad discretion to determine whether a CSO can receive international funding.
- Eighteen countries, including Georgia, have introduced foreign influence registration laws. Many of these laws have overbroad and vague provisions, enabling governments to stigmatize, burden, and isolate civil society.

The Evolution of Legal Restrictions

Years ago, scholars wrote about closing space and focused on laws targeting CSOs. Today, we are seeing the rise of restrictive laws that apply to all sectors of society. These whole-of-society laws account for 50 percent of the legal restrictions tracked by ICNL over the past 5 years.

These laws enable governments to target democracy defenders in civil society, the political opposition, business, the media, or otherwise. For example:

- This year, the National Security Law in Hong Kong was used to convict dozens of democracy defenders of subversion.
- Indonesia's Criminal Code outlaws statements that undermine the "honor" or "dignity" of the President or Vice President. It also prohibits verbal and written insults against the government or state institutions.
- Tanzania's Online Content Regulations prohibit the publication of any online content about the weather, droughts, or "natural calamities" without approval from the authorities.
- Last month, a military court sentenced a local journalist to life in prison under Burma's overbroad counterterrorism law.
- Belarus is misusing counterterrorism and anti-extremism legislation to stifle dissent.
- In Venezuela, Maduro's regime arrested over 2,400 people connected to post-election protests.

At the same time, many governments target defenders by utilizing surveillance, online harassment, Interpol red notices, imprisonment, or worse. Governments have an extensive toolkit to compress civic space and repress democracy.

PROGRESS IS POSSIBLE WITH LOCAL LEADERSHIP

Countries as diverse as Nigeria, Moldova, and Morocco have adopted more enabling legislation affecting civil society, though continued vigilance is necessary. In many other countries, restrictive laws have been rejected. In addition, courageous individuals around the world are undertaking heroic efforts to advance democracy and rights in restrictive environments—often at great risk to themselves.

Democracy and rights cannot be imposed from outside. Fortunately, in every country, there are people whose skill and dedication inspire confidence that progress is possible.

ILLUSTRATIVE INTERNATIONAL INITIATIVES

While reform must come from within, the international community can assist by helping to safeguard defenders and civic space. There are scores of initiatives; the following are a few illustrative examples:

- The Lifeline Embattled CSO Assistance Fund, which provides small, short-term emergency grants to CSOs threatened because of their human rights work.
- Reporter's Shield, a USAID-funded program that defends investigative reporting around the world from legal threats meant to silence critical voices.
- The Surge and Sustain Fund, a program run by the Department of State's Bureau of Democracy, Human Rights, and Labor. The fund supports user costs for open-source VPN and circumvention solutions serving users in highly restrictive censorship environments.
- Scholars at Risk and the Journalists in Distress Network, which provide support for academics and journalists under threat.
- The Open Government Partnership, where civil society and governments co-create commitments to enhance civic space and to promote participatory, accountable governance.

Foundations, international organizations, and the private sector play a critically important role in this ecosystem of support. In addition, Denmark, the Netherlands, Norway, Sweden, and the United Kingdom are among the governments that have strategically engaged to protect and promote civic space.

RECOMMENDATIONS

Based on the input of our partners around the world and the current ecosystem of support, I respectfully suggest three lines of effort for the Committee's consideration: Programs, Personnel, and Policy:

1. Programs. Programs should prioritize prevention, mitigation, and protection.

In terms of prevention, the US Government should create a stand-alone global program that proactively and preemptively addresses anti-NGO laws and related legal threats to civil society. This is a top priority.

In terms of mitigation, let's ramp up programs that help defenders operate in restrictive environments, such as the Surge and Sustain Fund.

In terms of protection, there are already a number of programs. Let's review their scope to see if they should be expanded to cover new categories of defenders. In addition, let's be sure they offer comprehensive services, including risk assessments, digital security, physical security, legal assistance, and psychosocial support.

2. Personnel. The US Government should ensure there are sufficient personnel dedicated to addressing threats to defenders, including transnational repression. This should include trained officials in the Department of State's regional bureaus and additional staff in USAID's Bureau of Democracy, Human Rights, and Governance and the Department of State's Bureau of Democracy, Human Rights, and Labor. In addition, regional bureaus and embassies should be required to have specific plans in place on the protection of defenders and to report regularly on the sufficiency and implementation of those plans.

3. Policy. I thank Senator Cardin for his leadership in championing the Global Magnitsky Act. The Act has significantly advanced accountability for human rights violations around the world, and it serves as a model for other countries establishing similar mechanisms.

That said, as colleagues at Human Rights First have documented, there has been a significant slowdown in the use of Global Magnitsky sanctions in recent years. Perhaps the Committee could exercise its oversight role to promote more and effective use of these authorities. We would also welcome legislative language encouraging the Administration to consider transnational repression, and the undermining of democratic institutions, when determining whether to impose sanctions.

In addition, at the Summit for Democracy, 13 countries committed to supporting civil society in exile. The US should engage with these countries to ensure there is a safe place for human rights and democracy defenders to continue their courageous work.

As a final policy ask, a number of bills affecting civil society are working their way through Congress. When you consider these bills, please ensure that they safeguard civil society and philanthropy, both internationally and at home. If helpful, ICNL is prepared to provide nonpartisan analysis, and please be assured of ICNL's continued collegial and constructive engagement as bills arise.

In closing, I thank Chairman Cardin and Ranking Member Risch for inviting me to testify at today's hearing. I appreciate the opportunity to share ICNL's perspectives with the Committee, and I look forward to your questions.

The CHAIRMAN. Thank you very much for your comments.
We will now go to Ms. Gigauro.

STATEMENT OF EKA GIGAURI, EXECUTIVE DIRECTOR, TRANSPARENCY INTERNATIONAL GEORGIA, TBILISI, GEORGIA

Ms. GIGAURI. Thank you, Chairman Cardin, Ranking Member Risch, distinguished Senators. Thank you for the opportunity to speak at this hearing. I am thankful for the long standing bipartisan support toward Georgia by this committee.

I am here to share a local perspective on resisting anti-NGO laws in Georgia as well as my personal experience of being targeted as a human rights defender.

The introduction of anti-NGO laws in different parts of the world is an alarming and growing trend. Anti-NGO laws first championed

by Putin's regime in Russia enabled a smooth shift toward the consolidated autocracy.

In countries like Georgia, when such laws are introduced, autocrats amplify Russian anti-Western disinformation, cultivate social division, and undermine partnership with the U.S. and the EU, all against the will of the majority of citizens.

Prevailing in this struggle requires two key elements: Unity among proactive citizens who have chosen freedom, valuing it enough to defend it, and consistently strong support from the international democratic community for the vibrant civil societies they help develop and grow.

In Georgia this means the United States speaking and acting with a legitimate moral authority assertively and convincingly as it has done for nearly three decades when it helped Georgians protect their sovereignty, independence, and democratic aspirations.

This is not to suggest that America should do the job for citizens who choose freedom over authoritarian rule. A free country is never granted, even by the greatest allies. It is earned by its citizens for whom America has always been an inspiration.

The key point is that in places where the pro-democracy movements are strong and America's well established partnerships are challenged by actors like Russia, as in Georgia maintaining a high level of support in backing democratic aspirations of nations can tip the balance.

In Georgia the introduction of anti-NGO laws, commonly referred to as the Russian law, sparked massive resistance.

Yet, the authorities continue to push the red lines to establish a Russian style system of governance. For every citizen of Georgia the upcoming elections on October 26 are essentially a referendum on a clear choice between a democratic, prosperous European future and the misery of being a Russian satellite.

If Georgian democracy is defeated and the country pledged into the Russian orbit again, this would mean an evaporation of the chances for the further democratic development of any country eastwards and southwards from Georgia.

Geopolitically, this would mean Russia once again marking its backyard, claiming Georgia as a part of its sphere of influence.

As per Russian playbook autocrat objectives are simple—silencing critical voices, closing civic space, and neutralizing free media. Anti-NGO legislation is a convenient tool for these goals, providing a facade of legality.

In Georgia, the process proceeded in three phases. The first one was preparing the ground for legalizing repressions. In this phase a massive coordinated smear campaign was launched against the civil society, USAID, and U.S. based democratic promoting organizations.

Among others, my family members and I have been subject to verbal attack and intimidation by high level public officials as well.

Phase two, passing the law despite the public opposition. So the law was passed. Mirroring Russian disinformation, authorities amplified coordinated disinformation, portraying civil society and their international supporters as a global war party destabilizing Georgia.

The government adopted an openly anti-American stance and announced a shift away from the strategic partnership with the West.

The phase three, enforcement of the law. It includes labeling NGOs' members and activists as foreign agents, a term deeply stigmatized in Georgia due its Soviet era connotations, imposing heavy fines and seizing assets of those who refuse to register, requiring NGOs to disclose sensitive personal data with refusal leading to the penalties and asset freezes.

The situation in Georgia is dramatic, but I am not here to seek sympathy. In Georgia we are engaged in a generational and existential struggle defending sovereignty, independence, and the dream of a democratic future.

We are determined to stand our ground. We are not alone. American and European allies support the Georgian people by delivering clear message to autocrats, reassuring pro-democracy actors, sanctioning those who undermine democracy, and initiating the MEGOBARI Act and the Georgian Peoples Act.

This support is deeply appreciated by every Georgian who chooses freedom over oppression. Georgians understand that freedom is never granted but always earned, as it has been throughout our history.

With the support of America and its allies we once built an emerging democracy that has been an inspiration in our part of the world, and I believe that with your help we will prevail once again.

Thank you, and I am ready to answer any questions.

[The prepared statement of Ms. Gigauri follows:]

Prepared Statement of Ms. Eka Gigauri

Chairman Cardin, Ranking Member Risch, Distinguished Senators, thank you for the opportunity to speak at this hearing. I am thankful for the long standing bipartisan support toward Georgia by this Committee, the very professional staff and your continued attention toward Georgia in times of crises.

My name is Eka Gigauri, I am the executive director of Transparency International Georgia, the largest Civil Society Organization working on good governance and corruption in the country. I am here to share a local perspective on resisting anti-NGO laws in Georgia, as well as my personal experience of being targeted as a human rights defender, and to present the views shared by a broader civil society of Georgia.

The introduction of anti-NGO laws in different parts of the world is an alarming and growing trend. Anti-NGO laws, first championed by Putin's regime in Russia, enable a smooth, swift, and decisive shift toward consolidated autocracy. In countries like Georgia, when such laws are introduced, autocrats amplify Russian anti-Western disinformation, cultivate social division, and undermine partnerships with the U.S. and the EU—all against the will of the majority of citizens.

In many countries affected by this challenge, including Georgia, resisting oppressive anti-NGO legislation has become a key battleground for defending freedom and democracy. These battlegrounds are local, but each struggle is being fought at the International geopolitical level as well.

Prevailing in this struggle requires two key elements:

- Unity among proactive citizens who have chosen freedom, valuing it enough to defend it; and
- Consistently strong support from the international democratic community for the vibrant civil societies they helped develop and grow. In Georgia, this means the United States speaking and acting with legitimate moral authority, assertively and convincingly, as it has done for nearly three decades when it helped Georgians protect their sovereignty, independence, and democratic aspirations.

This is not to suggest that America should do the job for citizens who choose freedom over authoritarian rule. A free country is never granted, even by the greatest allies; it is earned by its citizens, for whom America has always been an inspiration.

The key point is that in places where pro-democracy movements are strong and America's well-established partnerships are challenged by actors like Russia, as in Georgia, maintaining a high level of support in backing democratic aspirations of nations—can tip the balance.

From our perspective, maintaining this support while drawing clear red lines in U.S. foreign policy could be decisive. This is crucial, as American foreign policy in action can deter those who attempt to steal freedom from millions and encourage those who choose freedom over autocracy.

Authoritarians who challenge American interests and undermine democracy respond to red lines and perceive any reduction in U.S. support—whether in communication or policy—as a green light to push these boundaries. The same perception demotivates pro-democracy activists and citizens who often risk their lives defending democracy.

I believe that hearings like this one by the Foreign Relations Committee are essential to ensuring that American foreign policy decisionmaking is informed by local perspectives. I appreciate the opportunity to share what we have learned in Georgia in resisting repressive legislation and Russia-inspired authoritarian drive behind it.

In Georgia, the introduction of the anti-NGO law, commonly referred to as the “Russian Law,” sparked massive resistance, energizing and uniting previously fragmented pro-democracy actors. This led to unprecedented civil solidarity, nationwide protests, the consolidation of civil society and cooperation among pro-democracy political parties. Yet, the authorities continue to push the red line as they proceed to enforce the repressive legislation to establish a Russian-style system of governance. For every citizen of Georgia, the upcoming elections on October 26 are essentially a referendum on a clear choice between a democratic, prosperous European future and the misery of being a Russian satellite. Fair elections would be the way to materialize the obvious choice of Georgian people.

However, the Georgian case, does have another, a geopolitical dimension, which has even a bigger impact on the fate of democracy far beyond our borders. If Georgian democracy is defeated and the country plunges into the Russian orbit, again, this would mean an evaporation of chances for further democratic development of any country Eastwards or Southwards from Georgia. Geopolitically, this would mean the erection of a new iron curtain in our region, with Russia once again marking its backyard, claiming Georgia as part of its sphere of influence.

Incumbent authoritarians follow a common Russian playbook when introducing and enforcing anti-CSO legislation. Their goals, methods, practices, and tactics toward local pro-democracy actors and their supporters, including those in the U.S., are the same.

Their autocratic objectives are simple: consolidating power requires silencing critical voices, closing civic space, and neutralizing free media. Anti-NGO legislation is a convenient tool for these goals, providing a facade of legality.

The process proceeds in Three Phases.

PHASE 1: PREPARING THE GROUND FOR LEGALIZING REPRESSION

In this phase, a massive coordinated smear campaign was launched against civil society, USAID, and U.S.-based democracy-promoting organizations. Local civil society activists were portrayed as enemies of the state. The campaign included intimidation, defamation, threats, and violence targeting activists and their families (myself included). My family members and I have been subject to verbal attacks and intimidation by high level public officials, my portraits were placed on the “public enemies” posters placed by the ruling party activists in every town nationwide, my property and vehicle was vandalized by insulting graffiti. My fellow civil society activists have been targeted in the same way. International donors, including USAID, faced harassment from government officials and false criminal investigations have been launched.

The reason why international donors and CSOs including TI has been target is obvious. As an example, since 2011 TI Georgia provided legal support to 22,401 citizens; won 880 cases in the court that implied monetary compensations and included the cases 89 free media journalists; and published annually around 25 reports and 157 policy documents that exposed corruption and abuse of power.

PHASE 2: PASSING THE LAW DESPITE PUBLIC OPPOSITION

Despite mass protests and clear advice from U.S. and European allies, the law was passed. Authorities amplified coordinated disinformation, portraying civil society and their international supporters as a “Global War Party” destabilizing Georgia. This narrative mirrors Russian disinformation. The government adopted an

openly anti-American stance and announced a shift away from strategic partnership with the West while government-supported intimidation and violence—continued.

PHASE 3: ENFORCEMENT OF THE LAW

Phase 3 which is unfolding as we speak, involves the enforcement of the law. The repressive measures embedded in this law include:

- Stigmatizing NGO members and activists as Foreign Agents, which for Georgians carries a deep historical and emotional weight. There are practically no families in Georgia without at least one ancestor persecuted in the early Soviet era, accused of being an ‘Agent’ or a ‘Spy’ of a foreign power. These labels are not just derogatory and insulting—they are a betrayal of our ancestors’ memory, carrying with them the unmistakable mark of Russian repression.

- A series of heavy financial fines followed by the seizure of organizational assets of representatives who refuse to register as Agents of Foreign Powers or fail to provide any information requested at the discretion of the authorities.

- A mandatory legal obligation for NGO representatives and affiliated persons or entities to provide any information, including records, communications, personal data, data on mental health and sexual life, information protected by non-disclosure agreements with third parties, finances, and more—all subject to disclosure. Refusal to comply can result in penalties or the freezing of financial assets.

The ruling party’s major electoral promise is the legal prosecution of the “collective opposition” to the regime, including pro-democratic civil society.

Throughout all three phases, the authorities have waged a massive and coordinated disinformation campaign using government-controlled media, the public broadcaster, trolls, bots, fake social media accounts, and commentators on the party payroll.

The situation in Georgia is dramatic, but I am not here to seek sympathy. In Georgia, we are engaged in a generational and existential struggle, defending sovereignty, independence, and the dream of a democratic future. We are determined to stand our ground.

We are not alone. American and European allies support the Georgian people by delivering clear messages to autocrats, reassuring pro-democracy actors, sanctioning those who undermine democracy, and initiating the MEGOBARI Act and Georgian People’s Act. This support is deeply appreciated by every Georgian who chooses freedom over oppression.

WHAT CAN MAKE YOUR SUPPORT MOST EFFECTIVE

- We are in a new stage of the global struggle for democracy. Each country is unique, but a more uniform U.S. foreign policy that draws clear red lines for autocrats would better reassure millions who look to America for inspiration.

- Expanding direct communication between U.S. policymakers and local pro-democracy players—an “early warning system”—can improve situational awareness and policy response.

- International donor support is vital. U.S. Government backing the donors pressed by authoritarians is critically important.

- Civil societies function in emergency mode. Swift support is needed to secure top priorities. In Georgia, top priorities include election monitoring, countering disinformation.

- Progressing with the MEGOBARI Act and the Georgian People’s Act could have a strong positive impact.

- U.S. sanctions should target individuals undermining democracy and serving Russian interests, not the people of Georgia, whom America supports.

Georgians understand that freedom is never granted but always earned, as it has been throughout our history. With the support of America and its allies, we once built an emerging democracy that has been an inspiration in our part of the world, and I believe that, with your help, we will prevail once again.

The CHAIRMAN. Well, thank you very much for your testimony and for your courage.

Ms. Wang.

**STATEMENT OF YAQIU WANG, RESEARCH DIRECTOR FOR
CHINA, HONG KONG, AND TAIWAN, FREEDOM HOUSE, WASH-
INGTON, DC**

Ms. WANG. Chairman Cardin, Ranking Member Risch, and distinguished members of the committee, thank you for the opportunity to testify on the Chinese government's tactics to suppress political dissent.

China's authoritarian regime poses one of the biggest threats to American democracy and security. It is in the fundamental interest of the United States to support Chinese people's fight for democracy.

Globally, Freedom House has tracked 18 consecutive years of decline in rights and freedoms, driven by worsening repression in autocracies and also backsliding in democracies, as my co-panelists spoken about.

China ranks among the least free countries in the world and has declined significantly since Xi Jinping assumed power in 2012. Following a multiyear crackdown, China's civil society now has been largely decimated.

Increasingly, authorities in Beijing and Hong Kong are deploying national security laws to criminalize independent human rights activism and journalism. Numerous human rights activists in mainland China and Hong Kong are languishing in jail on bogus national security charges as we speak.

These courageous individuals have made extraordinary sacrifices for standing up to the Chinese Communist Party. It is imperative that the U.S. Government stand by them.

The CCP's long arm of repression also stretches abroad, including on U.S. soil. China conducts the world's most sophisticated and comprehensive campaign of transnational repression.

Beijing's tactics span the full spectrum from harassment and assaults, to co-opting other countries to render exiles, to mobility controls, to cyber attacks, and coercion by proxy.

Last November, Chinese diplomats and hundreds of people belonging to pro-CCP diaspora groups organized demonstrations in San Francisco during President Xi's visit.

The pro-Beijing groups harassed and intimidated and in some cases violently assaulted Chinese, Hong Kong, and Tibetan activists who came to protest Xi.

On American campuses, some Chinese students have reported that they were intimidated by fellow students for speaking critically of the Chinese government.

Beijing's digital surveillance has also made organizing pro-democracy activities very difficult in the U.S. in the first place. Chinese social media and messaging apps such as WeChat, which are heavily used among first generation Chinese diaspora, are also heavily censored by the Chinese government.

In recent years the U.S. Government has stepped up its response to CCP influence operations. The Department of Justice has issued a number of indictments in cases linked to the CCP.

The growing focus on the threat is a positive development, but U.S. officials face the challenge of maintaining a targeted, proportionate, and rights respecting approach while also intensifying their overall efforts.

Walking this line will require thoughtful policies and careful execution. In this context Freedom House urges Congress to continue to call public attention to political prisoners in China and Hong Kong and urge their immediate and unconditional release, meet regularly with their families, and provide funding to support them and their lawyers.

We also call Members of Congress to work together to pass legislations that support and protect activists and hold perpetrators of CCP abuses accountable, including establishing a limited visa category to provide at risk human rights defenders with a multiple entry multiyear nonimmigrant visa and providing relevant officials the necessary training to respond to transnational repression.

Last, we call on the U.S. Government to impose targeted sanctions of Chinese tech companies complicit in human rights abuses. For example, companies that sell surveillance equipment in Xinjiang should face economic penalties.

Congress should also hold hearings to better understand the censorship and surveillance mechanisms of Chinese social media messaging apps widely used in the United States and pressure the companies to uphold users' rights to free expression and privacy.

In late 2022, protests over deadly fire in northwest China grew into one of the most open challenges to the CCP since the 1989 Tiananmen democracy movement. These white paper protests brought out hundreds of thousands of people in China as well as many in the diaspora, claiming their rights and demanding freedom.

As Washington and Beijing engage more and more overtly in geopolitical competition we should not lose sight of the passionate longing for freedom that Chinese people still hold. We should support their aspirations at every opportunity.

Thank you, and I look forward to your questions.

[The prepared statement of Ms. Wang follows:]

Prepared Statement of Ms. Yaqui Wang

Chairman Cardin, Ranking Member Risch, and distinguished members of the committee, thank you for the opportunity to testify on the Chinese government's tactics to suppress political dissent. I ask that my full written statement be entered for the record. China's authoritarian regime poses one of the biggest threats to American democracy and security. It is in the fundamental interest of the United States to support Chinese people's fight for democracy.

This testimony draws on Freedom House's years of research and advocacy work on political prisoners, transnational repression, and internet freedom in relation to China.

Globally, Freedom House has tracked 18 consecutive years of decline in rights and freedoms, driven by worsening repression in autocracies and backsliding in democracies, including efforts to undermine electoral processes, armed conflicts, threats of authoritarian aggression, and attacks on pluralism—the peaceful coexistence of people with different political ideas, religions, or ethnic identities.

A growing trend is when states manipulate their own laws to crack down on dissent and criticism, whether it is by recognized organizations or individuals. Last year, people in 55 of the 70 countries surveyed in our Freedom on the Net report faced legal repercussions for expressing themselves online.

Democracies are not immune to these trends, and a growing number are imposing burdens on freedoms of assembly, association, and expression through legal mechanisms. These restrictions affect the rights of citizens in those countries, and have ripple effects around the world, as authoritarian regimes cynically use poor behavior by democracies to justify their own repressive rule.

China, which ranks among the least free countries in the world, has declined significantly since Xi Jinping assumed power in 2012.¹ President Xi has consolidated personal power to a degree not seen in the country for decades. Following a multiyear crackdown on all aspects of life and governance, China's civil society now has been largely decimated. Increasingly, the government is deploying national security laws—including National Security Law (2015), Foreign NGO Law (2017), Counterterrorism Law (2018), and Counterespionage Law (2023)—to criminalize independent human rights activism and journalism.

Numerous human rights activists are languishing in jail on bogus national security-related charges as we speak, such as prodemocracy movement pioneer Wang Bingzhang, who has been serving a life sentence for espionage since 2002; human rights lawyer Xu Zhiyong, who is serving a 14-year sentence for subversion of state power; and journalist Huang Xueqin, who is serving a 5-year sentence for inciting subversion of state power. Others have been forcibly disappeared on unclear charges. Respected human rights lawyer Gao Zhisheng has not been heard from in 7 years.

China's ethnic minorities are facing even worse conditions. Rahile Dawut, a Uyghur scholar, has been serving a life sentence since 2018 for separatism. Another Uyghur scholar Ilham Tohti is serving a life sentence under the same charge. His family has not heard from him since 2017. Go Sherab Gyatso, a Tibetan monk and writer, is serving a 10-year sentence for inciting separatism.

Similarly, in Hong Kong, over a thousand people have been imprisoned for exercising their right to freedom of assembly and expression, many on national security grounds. In 2020, Beijing imposed the draconian National Security Law (NSL) on the city, with broad provisions that criminalize an enormous range of activity both inside and outside Hong Kong. This March, Hong Kong's legislature passed the Basic Law Article 23, the city's homegrown national security law. Prominent political prisoners in Hong Kong include journalist and publisher Jimmy Lai, who is facing up to life imprisonment for sedition and collusion with foreign forces; human rights lawyer Chow Hang-tung, arrested for inciting subversion; and activist Joshua Wong, convicted of conspiracy to commit subversion.

These courageous individuals and many others in mainland China and Hong Kong have made extraordinary sacrifices for standing up to the Chinese Communist Party (CCP). It is imperative that the US government stand by them.

The CCP's long arm of repression also stretches abroad, including on US soil. China conducts the world's most comprehensive and sophisticated campaign of transnational repression, and is responsible for 25 percent of the cases Freedom House has documented in our data base. The sheer breadth and global scale of the campaign is unparalleled.² Beijing's tactics span the full spectrum: from harassment and assaults, to co-opting other countries to detain and render exiles, to mobility controls, to cyberattacks, and to coercion by proxy.

China's transnational repression activities are embedded in a broad framework of influence that encompasses cultural and professional associations, regional groups, and in some cases, organized crime networks, which places it in contact with a huge population of Chinese citizens, Chinese diaspora members, and minority populations from China who reside around the world. Last November, Chinese diplomats and hundreds of people belonging to pro-CCP diaspora groups organized demonstrations in San Francisco during President Xi Jinping's visit that harassed and intimidated—and in some cases, violently assaulted—Chinese, Hong Kong, and Tibetan activists who came to protest Xi.

The CCP also poses the biggest transnational repression threat on American campuses. Some Chinese students studying here reported that they were intimidated by fellow students for speaking critically about the Chinese government, or that their families back in China were harassed by Chinese authorities.³ Beijing's digital surveillance has also made organizing prodemocracy activities and recruiting like-minded students difficult in the first place. Chinese social media and messaging apps

¹Freedom House, "Freedom in the World 2024: China," <https://freedomhouse.org/country/china/freedom-world/2024>.

²Freedom House, "NEW DATA: More than 20 Percent of the World's Governments Engage in Transnational Repression," February 16, 2024, <https://freedomhouse.org/article/new-data-more-20-percent-worlds-governments-engage-transnational-repression>.

³Yana Gorokhovskaia and Grady Vaughan, Addressing Transnational Repression on Campuses in the United States, Freedom House, January 2024, https://freedomhouse.org/sites/default/files/2024-01/TNR_UniversityReport_2024.pdf.

such as WeChat, which are heavily used among first-generation Chinese diaspora, are also heavily censored by the Chinese government.⁴

Indeed, one of the biggest challenges facing Chinese activists as well as ordinary people who care about human rights and democracy both inside and outside China is the CCP's sophisticated censorship and surveillance apparatus. Freedom House's Freedom on the Net report has consistently ranked China's regime as the world's worst abuser of internet freedom.⁵

In recent years, the US government has stepped up its response to CCP influence operations that undermine human rights and democracy within the United States. The Department of Justice has issued a number of indictments in cases linked to the CCP, most recently this month when Linda Sun, a former top aide to New York Governor Kathy Hochul and former Governor Andrew Cuomo, was charged with acting as an agent of the Chinese government. A few weeks earlier, in two separate cases, US authorities convicted Chinese dissident Wang Shujun and charged another, Tang Yuanjun, for spying on the overseas Chinese prodemocracy community on behalf of the CCP.

The growing focus on the threat is certainly needed and a positive development, but US officials face the challenge of maintaining a targeted, proportionate, and rights-respecting approach while also intensifying their overall efforts. Walking this line will require thoughtful policies, updated laws, and careful execution.

Despite intense repression, Chinese people everywhere continue to show inspiring resilience. In late 2022, protests over a deadly fire in Ürümqi grew into one of the most open challenges to the CCP since the 1989 Tiananmen democracy movement. The protests, dubbed the White Paper protests, also drew widespread support from the Chinese diaspora, as hundreds staged rallies in cities from Paris to Sydney, from Washington DC to Raleigh, North Carolina.

As Washington and Beijing engage more and more overtly in geopolitical competition, we should not lose sight of the passionate longing for freedom that people in China are trying to express. We should support their aspirations at every opportunity.

In this context, Freedom House calls on Congress to:

- Continue to call public attention to political prisoners in China and urge their release. Meet regularly with family members of prisoners and advocacy groups, both in public and in private. When calling for the release of political prisoners, emphasize that releases should be unconditional. All charges should be dropped and expunged from the prisoner's record. There should be no bail conditions, travel restrictions, asset freezes, or other measures that restrict their ability to work and live. In private, executive and legislative officials and staff should meet with families to show support, share updates on their loved one's case, and gather information relevant to advancing their release. Private meetings with advocacy groups and others are also important for information gathering and message coordination. Public appearances by government officials on behalf of the imprisoned individual, when appropriate and condoned by the prisoner or family, demonstrate support for the prisoner and signal to perpetrating governments that they should expect a sustained campaign to free them. Many political prisoners and their families fear they will be forgotten. Efforts to secure the release of political prisoners should go beyond the most high-profile imprisonments and include advocacy on behalf of lesser-known individuals, as giving political prisoners a higher profile through advocacy work can improve their treatment in prison and prompt governments to expedite cases.

- Continue to provide funding to support political prisoners, their families, and their lawyers, including adequate support after release.

- Establish a limited visa category to provide precleared at-risk human rights defenders and democracy activists with a multiple-entry, multiyear nonimmigrant visa. This would allow those facing unjust imprisonment or physical threats due to the nature of their work to continue their work from the safety of the United States, before they are able to safely return home. Vulnerable human rights defenders could be nominated by US embassy personnel in close consultation with civil society partners and likeminded democratic governments. Freedom House is pleased to support the Human Rights Defenders Protection Act, led by Chairman Cardin and supported by a number of members on this committee, which, among other things, creates a temporary visa for human rights defenders under threat.

⁴Freedom House, Beijing's Global Media Influence 2022: Authoritarian Expansion and the Power of Democratic Resilience, September 2022, https://freedomhouse.org/sites/default/files/2022-09/BGMI_final_digital_090722.pdf.

⁵Freedom House, "Freedom on the Net 2023: China," <https://freedomhouse.org/country/china/freedom-net/2023>.

- Pass legislation to address gaps in the US government's response to transnational repression. This includes codifying a definition of transnational repression, ensuring government officials who may encounter perpetrators or victims of transnational repression receive the training necessary to recognize and respond to the problem, and strengthening sanctions authorities to make it easier to hold perpetrators accountable. The Transnational Repression Policy Act, which was introduced by Senators Merkley, Rubio, Cardin, and Hagerty, includes provisions in all these areas. We urge its passage.

- Impose targeted sanctions on or add to the Bureau of Industry and Security's Entity List Chinese tech companies responsible for or complicit in human rights abuses. For example, companies that knowingly provide surveillance systems used for repressive crackdowns in places like Xinjiang should face economic penalties. In the United States, the Global Magnitsky Act allows for targeted sanctions on private companies.

- Provide funding to support the development and dissemination of open-source, user-friendly, and privacy-protecting anticensorship technologies. Anti-censorship technology, such as virtual private networks, are critical for people in China to circumvent state censorship and protect themselves against surveillance and other forms of repression. Relevant programming should prioritize supporting tools that are open-source, align with the highest standards of privacy and security, and are user-friendly and localized to the targeted communities to increase their uptake in use.

- Scrutinize international censorship and surveillance by Chinese companies. Congress should hold hearings to better understand the scope, nature, and impact of politicized censorship and surveillance on Tencent's WeChat platform and other Chinese social media and messaging apps, then explore avenues for pressuring the companies to uphold users' rights to free expression and privacy. Politicians who choose to use Chinese platforms to communicate with constituents should monitor messaging closely to detect any manipulation, register their accounts with international phone numbers when possible, and republish messages on parallel international social media platforms.

Thank you, and I look forward to your questions.

The CHAIRMAN. Let me thank you for your testimony as well.

We will now have rounds of 5 minute questions from the members of the committee.

I want to first start by inviting you all to always share information with us in regards to individuals or sectors that you believe we can be more aggressive in using our sanction regime. We take that information very seriously.

In regards to individual sanctions, as I am sure you all are aware, there is a standard that needs to be met, particularly in regards to dealing with the banking restrictions that are included in that because it does deal with individual rights, and we have protection in our system.

But we will always take the information you supply us, and we are aggressive, and we do thank both this Administration and previous Administrations for using the sanction regimes that we have created here in Congress.

We are the initiators of it, to use that to deal with the issues we are talking about today. But we can be better at that, and we welcome your input.

One of the hats I wear is I have been a member of the Helsinki Commission since I have been in the U.S. Senate and before in the House of Representatives. I have chaired the Helsinki Commission.

One of the guiding principles of the OSCE is to protect the rights of NGOs. I mean, that is one of the basic foundations of the Helsinki principles.

So when we see NGOs denied the opportunity to operate because of these repressive laws, that is contrary to the commitments that

were made with the OSCE participating states, and China is not a member of that but certainly that applies to Georgia.

I also want to just start with a question. Let me start with Mr. Rutzen, if I might.

We have seen the use of traditional repressive tools such as physical assaults, disappearances, and even murders of the people who disagree with their governments.

But now we see these countries using so called legal means, passing laws, and as Ms. Wang pointed out using social media, the freedom of expression, the freedom of access, to use that against and try to bring down our democratic systems of government.

So tell me the calculations that are being made by what type of countries that are now trying to mask their repressive policies through the use of these methods rather than the direct—we see, for example, in Venezuela Mr. Maduro is very clear about physical assaults and disappearances.

What goes into that calculation, and how effective is it, and what can we do about it?

Mr. RUTZEN. Thank you, Chairman Cardin, for your thoughtful question.

What we are seeing, in some sense, is the rise of authoritarian legalism where governments realize that the law cannot only protect rights, but it can just as easily undermine rights. And we see this throughout history.

I think about the apartheid era laws or the Nuremberg laws, how the laws can be used to undercut human rights. And so this has always been a tool in the authoritarian toolbox, but now it is being amplified and replicated around the world.

You heard about the example of the Russian version of the Foreign Agents Law then spreading to Georgia, and now a number of other countries as well.

For many governments in their calculations they think that they have some patina of political legitimacy if they can wrap their restrictions under the cover of law. And that is why we are seeing this rapid ascent of anti-NGO laws and other restrictions on democracy defenders around the world.

The CHAIRMAN. What impact is Russia having on these decisionmakings, for example, in Georgia? Is Russia—we know that they get engaged in the internal affairs of other countries. Are they actively encouraging these types of activities?

Ms. GIGAURI. Yes. I would say that they apprised our government when the government has initiated this law and also when looking at their stories what they were sharing in their internal audience.

So you could see that they were very glad that it is happening in Georgia. So just recently Meta has deleted around 60 fake accounts which were ruled and managed from the territory of Russia but was attacking—they were attacking those who were participating in the demonstrations against this law and undermining their reputation.

And at the same time they were promoting the decisions of the Georgian government. So I think that definitely these two—I think that this is really linked with the interest of Russia, and the interest of Russia is not to have democracy in Georgia. This is for sure.

The CHAIRMAN. Thank you.

Senator Risch.

Senator RISCH. Thank you, Mr. Chairman.

First of all, Ms. Gigauri, I have got a number of questions for you since we have been watching this since 2012 from afar and shaking our heads on it because we are seeing this backslide, and we do not really understand it.

I mean, you are a country of a little under 4 million people, and it seems like there is at least a significant movement toward embracing the Russian former government and the Russian repression.

We just do not understand it. I mean, you got your freedom from Russia and why the country would be drifting back that way—we look at Georgia, and we compare it to the three Baltics, and those are small countries, too. Two of them at 1.5 million and one at 2.5 million, and I will tell you what, those people, they come to see us all the time.

They are united. They are firm. They are afraid. They want our help. They do not want anything to do with Russia in any way, shape, or form. And yet, here you have Georgia who were visited by an invasion from Russia which took two of its territories and promised to leave and still are not. They are occupying the territories.

Why in the world is there—I mean, you are always going to get a handful of nuts, but why would you have these significant numbers of people who seem to want to drift back to the communist and socialist way of life that Russia had?

Help us understand this.

Ms. GIGAURI. Thank you for the question.

So I think that in spite of this disinformation that we observed for years now, the majority of Georgian citizens support Georgia's integration in the EU and NATO and these are the official numbers.

So what happens is that—we talked here about the particular laws, right, but before the laws are introduced there is this very heavy disinformation campaign, and there you see the messages that were invented by the Russians in 2012, for instance, that these liberal groups are against the, you know, the family values or the national interest of the country, that all these people who are working for the NGO community they hate everything national, right.

So, I mean, that is the—the NGOs are only promoting the LGBT rights, and they care about the LGBT rights and all these kind of things. So this is very heavy. They are playing with the hearts and minds of Georgian people.

At the same time you always see in the pro-government and anti-West media in Georgia that in the West there are problems. There is destabilization. People live a terrible life there.

Like, in Russia, there are also some trends which are against the family values, and they do not care about their families, their children.

I mean, this is everything happening all the time for years, and then people are raising—so it is not that the government tells them

that the West is bad, but with disinformation they try to persuade them to raise the question so whether they want to go there or not.

But again, this is not a big number of people. I would say that the majority still supports the—

Senator RISCH. I hope you are right. In today's world with the information available to us there is always disinformation out there, and we in America believe that if you put everything on the table, and all the facts are there, smart people, or even semi-smart people, will pretty quickly realize that democracy is a whole lot better than authoritarianism.

So what you are talking about we see here that kind of disinformation, but its effect is pretty *de minimis*.

Well, you give me hope when you tell me that the vast majority want to do the right thing. I will tell you that we will be watching the elections next month, and Senator Shaheen and I were greatly impressed with the elections that we saw.

We were not the only observers. Obviously, there were ones from all over the world, a lot of them from Europe that were watching those elections.

And I have to tell you, those elections were about as straight up as I have ever seen, and I have been in lots of elections. I have run 36 times myself so I know what they are like, and I was impressed. I really was impressed with the way they were held.

If what you say is true about the Georgian people and what they want, they are going to get an opportunity in October to throw the rascals out and take a hold of their own future, and we will be watching closely, praying for you. Hope it works.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Shaheen.

Senator SHAHEEN [presiding]. Thank you, Chairman Cardin and Ranking Member Risch, for your strong comments, and thank you to each of you for being here and for the work that you do every day.

Ms. Gigauri, it is nice to see you again. We had the opportunity to be part of a conversation early in August when Congressman Turner and I visited Georgia to try and address what was happening there and to make clear that we support the aspirations of the Georgian people and to make that point to the government as well.

I applaud you and all of the civil society community for your bravery in holding the Georgian government to account, and for your willingness to participate in trying to ensure that there is a free and fair election on October 26.

In the meeting that we had with the prime minister we raised the recent setback in U.S.-Georgia relations that are reflected by the passage of the Foreign Agents Law, and we urged him to think about ways in which we could address Georgia's relationship with the United States, moving forward, that would support the aspirations of the Georgian people and ensure a free and fair election.

And I am really sad to say that the only request that he had of us was that the United States stop funding NGOs which are critical of the Georgian government, and as Congressman Turner explained in a democracy we all recognize that you can be critical if you disagree with the policies.

Now, I understand that the prime minister has questioned our account of that meeting, but I was not the only person in the room.

We all heard what he had to say, and I am further disappointed that the Georgian Dream Party has taken the position that they will not acknowledge parties, opposition parties that disagree with them, going forward.

So, as Senator Risch said, the United States has been a partner of Georgia for 30 years now, supporting its democracy, its self-determination, its security, and it is a relationship that has been based on shared values, and the fact that the Georgian Dream government is willing to throw that away to continue to curry favor with Russia is really hard to understand, especially given that 20 percent of the Georgian territory is still occupied by the country of Russia.

But I wonder if you could give us a little update on what is happening with the Foreign Agents Law. My understanding is that very few civil society groups have registered because it is a very onerous, very difficult process.

And have you also seen the government go after those organizations, and are you anticipating that that will happen for those groups that do not register?

Ms. GIGAURI. Thank you for the question.

So in Georgia, as you have mentioned, many civil society organizations have not complied with the law.

So we do not use this as it happened in many other countries like the badge of honor. We think that this should not be used like this. We think that we are not the agents or spy undermining the interests of Georgia.

We are the patriots of our country, and whatever we do this is for the better future of our country and the people of our country.

So that is why majority—I would say 95 percent, have not registered, and the government has several weeks now to start the monitoring, and then we expect the heavy fines like it is in the law.

However, we are ready to resist. So many organizations who have not registered, they are also involved in monitoring of the elections. We have different backup plans. We are mobilizing. We are uniting our resources by saying this is the civic activist groups at the NGOs.

So just recently we have created huge coalition of NGOs which will be monitoring the elections in Georgia, and we will make sure that the votes of Georgian voters will be safe, and we will defend their votes during the elections. This is for sure.

Senator SHAHEEN. And do you think the majority of the Georgian people believe that that will happen? That it will be a free and fair election and that they will participate?

Ms. GIGAURI. I think, of course, there are many questions about the fairness of the upcoming elections because now even we already observed the abuse of administrative resources, attacks on the opposition.

And yes, definitely this law creates the obstacles for the observer organizations to monitor the elections, right.

But at the same time I think that for majority of Georgians these are very crucial elections, and this is, as I said, the referendum be-

tween the membership of the EU and to become the country which is under the influence of Russia.

So I think that many people will participate in the elections. They know that there might be some obstacles, but what we do at this moment is that we try to inform them how to vote, how to avoid the violations, how to react on the violations.

And the most important thing here is how to believe in the victory. They should participate in the elections because every vote matters, and I think that this is the common understanding amongst the Georgians now.

Senator SHAHEEN. Well, thank you. That is an important message for us in the United States and for everywhere that there are elections between now and the end of the year.

Senator Coons.

Senator COONS. Thank you so much, Senator Shaheen, Ranking Member Risch. Thank you for your work together and with Chairman Cardin to promote democracy and free elections, to protect NGOs and civil society and those who are advocates for free speech, for freedom, for organizing, and for the rights of individuals around the world.

As the founder and co-chair of the Human Rights Caucus in the Senate I have been engaged in these issues a long time and gravely concerned to continue to hear about the steady loss of freedom around the world.

Freedom House has been year after year documenting broader, deeper attacks on civil society, increased restrictions on your ability to receive funding and to operate, that I think all Senators of both parties should be more engaged in and concerned about, and I am grateful that this is a bipartisan hearing today.

And as the chair of the committee that funds State Department and USAID, Mr. Rutzen, I take directly your suggestions that we need to provide more support for personnel, for operations, for outreach to support the Human Rights Defenders Fund, to provide cybersecurity support for targeted individuals, to condition assistance in countries like Georgia where there is legitimate concern about their drift toward authoritarianism.

Ms. Gigauri, thank you for your testimony today and for your courage. I am grateful that Senators Shaheen and Risch are leading on the Georgia legislation that I hope we will move forward soon, and I would be interested in your view of what Russia's aggression in Ukraine does to send a broader signal.

You said one of your core challenges is to convince people that free and fair elections are still possible, that free speech is still valuable.

My concern is that when we fail to defend democracy and elections in our own country or in other countries when there are acts of open aggression in the region, in Georgia, in Moldova, in Ukraine, that it sends a chilling signal that strongmen and authoritarian regimes are on the march.

What more can we do together to make sure that there is a broader global push to fight corruption and to promote democracy?

Ms. GIGAURI. Thank you for the question.

So the short answer is for our part of the world is to make Russia small and weak, and I really mean it. It is very difficult for a

country to build a democracy if you are neighboring Russia, and it was extremely hard for us to do this, but still years ago we showed the good example to everyone that it is possible.

Even being neighbor of Russia it is possible to build a state and to fight corruption and to implement democratic reforms in the country.

I think that the war in Ukraine, of course, affected us. And I think that the whole international community should do everything to help Ukraine to win this war, and I am sure they will do this, and this will have the impact on Georgia as well.

In our case this was trigger for our government to take all masks off. We would never expect the Georgian citizens that they would not support Ukraine, that they would be involved in the anti-Ukraine propaganda, and they will be attacking them.

So this is something that was not acceptable for us and at that time had the—also the demonstrations in support of Ukraine and all this. I think that this is very important.

The second one is, of course, sanctions. But please introduce the sanction regime which is targeting individuals, not the people of Georgia, because people of Georgia they fought for democracy, and they proved that they are very effective in that.

And the third one, I understand that many countries are unique, but it is very important to have early warning system. It is very important to cooperate and to listen to these two different pro-democratic groups on the ground to know where the situation is going, because sometimes reactions on time might bring bigger results. So and, yes, so this is the—yes.

Senator COONS. Thank you.

If I might, Ms. Wang, you mentioned a special visa for human rights defenders and those who are civil society leaders who are under pressure.

Mr. Rutzen, you mentioned the early warning system. Could the two of you briefly focus on what exactly you think we could do to strengthen and expand visa options for those who are under pressure who are human rights activists or civil society activists, and what more we could or should do around an early warning system and how it could improve its function?

Ms. WANG. Thank you for the question.

Freedom House has supported the passage of the Human Rights Defenders Protection Act. We think the provisions in the act are great, and we urge its passage.

For example, the multiyear and the multi-entry visa for human rights defenders who are at risk inside the country is very important, because oftentimes police who came to your house to raid you or take you to the detention center come very, very abruptly, and for Chinese citizens you cannot just come to the U.S.—you know, board on a plane. You cannot do that.

So our suggestion is for the U.S. embassy in China to identify those human rights defenders first, and so they have the visa first. So when they have to leave they can leave immediately.

Also, when they are in the U.S. they can continue to work here before they can return safely to China. Thank you.

Senator COONS. Mr. Rutzen.

Mr. RUTZEN. Thank you, Senator Coons.

Briefly, if we engage once the laws are already on the docket it is very hard to do anything about them, and so what we need to do is identify a list of countries where we think there might be legal threats against defenders and put in place some preemptive and proactive support to courageous individuals in country.

This is sort of the AID approach, a developmental approach, where you invest early so you build resilience in the society, and you prevent and preempt these initiatives from arising.

There will also be a category of countries where something is just going to spark, and there is going to be a need for rapid response. So we need to complement the early warning system with a broader, global rapid response system to address threats as they arise.

Senator COONS. Thank you.

Thank you all for your testimony.

Senator SHAHEEN. Thank you.

Senator Helmy.

Senator HELMY. Thank you so much, Madam Chair.

And I just want to applaud the bipartisan leadership that was mentioned at the beginning of this issue. As an Egyptian American, as an American, as a Coptic American, these issues are incredibly important to me.

They have had an impact on my family, and I just appreciate the leadership and the bipartisanship on this and would mention Chairman Cardin's long lasting legacy on this issue.

Mr. Rutzen, you briefly mentioned Egypt in your testimony and their anti-NGO policies which discourage a free and open society.

In your view how can this Congress and future Congresses hold the current and future Administration responsible to hold Egypt accountable for its poor track record of human and religious rights and freedom of liberties, particularly in relation to Copts and other religious minorities while supporting its capacity to nurture a public forum for religious freedom and civil participation?

Mr. RUTZEN. Thank you for your question, Senator Helmy.

I think what is important is we have engagement with local Egyptian civil society and religious leaders to see what are some of the needs they have in terms of support and defense of their rights to advocate.

The change will have to come from within, as we know, so our role is to help defend those defenders and help protect civic space. In a public forum I probably would not get into too many details, but if helpful I would be happy to meet with your staff in private to discuss some specific ideas.

Senator HELMY. Yes, I would welcome that with the team and me personally. It is a very important issue, and as I think this Congress takes up aid for Egypt down the road it is an important issue that should be deliberated.

And staying in that vein, if I may, Mr. Rutzen, what strategy or framework would it be useful for us to examine and address this challenge within the scope of U.S. strategy toward Egypt and our regional partners?

Mr. RUTZEN. Thank you.

Let me introduce one argument that often is not on the table.

I am a human rights lawyer. I love human rights, but sometimes we have got to focus on other arguments as well. And one of the

tools I think that is underutilized is trade agreements, including bilateral investment treaties.

It is really interesting. If we look around the world countries warmly welcome foreign investment, and in fact, we hold companies that receive foreign direct investment as being these glorious multinational companies.

We do not call some of our biggest companies foreign agents just because they receive investments from people in other countries. But yet, when it is civil society governments restrict the free flow of capital across borders.

So one of the ideas, I think, that we might advance is looking more closely at existing trade agreements to see the extent it might help cover the free flow of resources and capital across borders not only for the for profit sector but also the nonprofit sector.

Senator HELMY. Thank you, Mr. Rutzen.

Ms. Wang, if I may. Understanding the PRC's growing and pervasive state sponsored surveillance regime, I welcome the opportunity to learn more about your view on the importance of considering a reformed sanctions regime on the PRC and its state owned enterprises and how we hold them accountable for their unfettered access to civil society and dissidents at home and abroad.

In your view, do you believe the current U.S. policy overlooks key elements of the long term strategy to hold the PRC accountable in the midst of its growing influence in the tech space and its growing global reach?

Thank you.

Ms. WANG. I think the U.S. Government is doing better, and there needs to be more actions and more forceful enforcement of existing laws in terms of surveillance.

I mean, there are Chinese companies who are complicit in China's human rights violations in Xinjiang being sanctioned by the U.S. Government, and some are on the Entity List.

And then there are U.S. companies who the U.S. Government has banned them from selling, you know, equipment that can be used in human rights violations in China.

So both sides are necessary, but we—you know, as we all heard from the news, companies are very smart in evading sanctions. So we need to do more research and have more personnel in the U.S. Government to crack down on companies who are evading sanctions and punish them for doing that.

The other day I met a Uyghur activist, and she just presented me with a bag of dates, and there were two big Chinese characters there that say Xinjiang. Those products should be banned by the Uyghur Forced Labor Prevention Act.

But they are everywhere in the U.S. If you go to a Chinese supermarket—I mean, I read Chinese, and I can see, you know, the word Xinjiang there. So why they are still there? So that means the law is not really being enforced.

Senator HELMY. Thank you.

I close again with a deep appreciation to this committee for its bipartisan work in this space, and once again recognize the chairman's long lasting legacy on this issue. Thank you.

The CHAIRMAN [presiding]. Thank you.

Senator Kaine.

Senator KAINE. Thank you, Mr. Chairman.

Thank you to our witnesses for your work and your testimony.

Sometimes we think this challenge is really limited to the authoritarian nations of the world, but sadly, we see in democracies with whom we ally, a significant effort to crack down on NGOs or at least make it harder for NGOs to do their work, and I want to just use the example of India.

India has a law called the Foreign Contribution Regulation Act that was amended in 2010, has been amended again in 2020, that makes it very difficult for NGOs operating in India to receive donations from people around the world.

Organizations like Amnesty International and others have had to dramatically limit or shutter operations in India because they do rely on fundraising.

But India has chosen through this act to significantly restrict the ability of organizations to operate and receive foreign funding. The law allows the freezing of bank accounts, investigations, et cetera.

And it is one thing, and it is an important thing, when human rights activists and NGOs feel intimidated and cannot do their work. But the bottom line is the real victims are those who are the beneficiaries of the work.

There is an organization called the Sambhali Trust, which is based in Rajasthan, whose goal is to empower women in this part of the country, and particularly disempowered or oppressed women.

Very much a service provision organization, very much focused on a mission that would seem not only anodyne but completely desirable, and yet a constituent reached out to us because the Sambhali U.S. was having a difficult time soliciting donations and then being able to transfer those donations to their purpose, which was empowering women in the Rajasthan part of India.

These statutes—and they are similar around the world but I just want to focus on this financing—are a form of harassment to choke off the work that is being done, and if you choke off the work that is being done sometimes you are not only hurting the human rights promoters and those who work with the NGO, but you are really hurting those who could benefit from the work.

And this is really important. The U.S. is involved in some parts of the world where, frankly, the governments are not that necessarily a reliable partner in providing services or development, but NGOs are.

I was a missionary in Honduras. We want to do things in the Northern Triangle, but we have had the experience of we want to invest, but the government is really not the partner to invest with.

But the NGO community often has very strong NGOs that are exactly the partners you can invest with. But if they are choked off from receiving funds then you essentially disempower the important causes that they represent.

So I am really interested in this, and I do want to raise, you know, India is a great ally of ours. We often say we are the oldest democracy in the world, and they are the largest democracy in the world, and others may contest us in those titles, but we view the U.S.-India relationship as a very important one.

But when organizations on the ground who are doing good work find their financing sources restricted or cut off, we have to pay attention to that.

And so I just wanted to put this one on the table and reference the Sambhali U.S. and their challenges. I believe eventually we worked with them, State Department and others, and were able to work through the maze to enable them to, again, begin to forward donations to the important work that they do.

But I think there is other NGOs including some known very well by members of this committee that still have not been able to find a way forward to offer the services they provide.

So this is a global problem, not just with authoritarians.

You used the phrase, Mr. Rutzen, sort of authoritarian legalism. It is an act of parliament.

The other thing about these financial restriction laws is they pose a grave risk of bribery and abuse because if you are a government official and you say to this NGO, well, there is a whole lot of money in a bank account abroad that you could get if I give you approval, but I have the ability to turn you down and not allow those foreign funds to come to you, these laws often are an invitation to bribery and corruption.

So I think this is something we need to be paying more attention to, and it is one of the reasons I was really glad this hearing was noticed today, and I encourage you in the work that you are doing.

The CHAIRMAN. Thank you, Senator Kaine. I appreciate those comments.

Senator Van Hollen.

Senator VAN HOLLEN. Thank you, Mr. Chairman, and thank all of you for your testimony here today and for your ongoing work.

Ms. Gigauri, thank you for your ongoing efforts. I have been following the testimony on C-SPAN and want to salute you for your determination to keep civic space open in Georgia, and I applaud the efforts of my colleagues Senator Shaheen, Senator Risch, and others with respect to legislation. I just wanted to associate myself with those remarks.

Ms. Wang, I wanted to ask you a couple questions about Hong Kong, because one area where you have anti-NGO laws and many other forms of repression against civil society has been Hong Kong. It has gone into overdrive.

A number of years ago I teamed up with former Senator Pat Toomey, and we passed bipartisan legislation entitled the Hong Kong Autonomy Act, which provides the executive branch the authority to sanction individuals and officials, whether in Hong Kong or in China, who are who are cracking down on that repression.

And it is a tool that has been used but, clearly we need to either expand the use of that tool or look for other methods because we know that in March of this year the Hong Kong legislature passed a new ordinance known as Article 23 that greatly expands the definition of national security offenses as any offense that, quote, "endangers national security under the law."

So these very sweeping powers that then are abused by the governments, and they have cut Hong Kong's democratic institutions and eroded civil society.

So my question is in addition to the sort of targeted sanctions against individuals and officials, are there other tools that you think we should be using, or also do you just think we should be making greater use of those existing authorities with respect to sanctions, or both?

Ms. WANG. I think you can expand the list of the people who should be subjected to sanctions, and sanctions do work, especially for officials in Hong Kong. They usually have foreign bank accounts. So it does make a difference.

And also it sends a message to people who are fighting for freedom. You know, the U.S. Government is taking actions. It inspires them to keep going.

Also, I think, you know, there are new laws that should be enacted that—as I mentioned, Freedom House supports the passage of the Human Rights Defenders Protection Act, which will provide additional support and protection of activists.

Then we are also endorsing the Transnational Repression Policy Act which will provide support to activists who are being subjected to transnational repression in the U.S.

Just recently, a group of Hong Kong activists—Chinese and Tibetan activists—were violently assaulted in San Francisco because they were protesting President Xi's visit.

There were hundreds of pro-CCP groups that were there, you know, harassing them. I know that to the U.S. Government is investing this case and I knew there are many more similar cases.

So we do urge the U.S. Government to strengthen the investment in cracking down on transnational repression in the U.S. We also urge the U.S. Government to engage more with the Chinese diaspora community because as, you know, as a Chinese person living in the U.S.

I do worry about the spill effect of that kind of rooting out Chinese spies, rooting out CCP interference, the effect on the Chinese diaspora overall.

So the U.S. Government needs to do it in a very careful way so not to have an adverse effect on a diaspora. So how to do that?

I think it is very important to engage with the community—you know, actually have a dialogue to build trust with them rather than just go there and ask do you know there are Chinese spies in the community?

You know, go there and ask what are your worries, what are your concerns, how can we help you?

So there are a lot of details that need to be ironed out so the U.S. Government can crackdown on CCP interference in the right way.

Senator VAN HOLLEN. I appreciate that, and I agree with all your suggestions. My time is almost out so I am going to ask if you could submit an answer for the record on the issue of China's export of surveillance technologies.

We have seen this through Huawei. We have seen this through ZTE. We even see it deployed here in the United States. China is, obviously, using that surveillance technology for repressive reasons—for repressive purposes in China.

But I would like in your—maybe your written response, to comment a little bit more on what we can do to counter the use of

those surveillance technologies in many other countries, authoritarian countries and democratic countries.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Van Hollen.

Let me thank all three of our witnesses, not just for your testimonies but for what you do—front line on these issues.

This is a challenge, a challenge on how we are going to be able to protect our democratic institutions, but to make it clear that they cannot be utilized to undermine the rule of law in our democracies, and we have foreign actors that are interfering in our own country, and then we have backsliding regimes that are using the so called legal procedures to move their country away from democracy and the protection of human rights.

So we have to be more strategic on how we go about this, and I appreciate, Ms. Wang, your support of the legislation that we have authored. I think Congress can do more in this area.

I think we can do more in enforcement on our sanctions. I think there are areas that we—and I think we can do more in our priorities in our foreign policies and the relationships—bilateral, multilateral relations we have with other countries.

To make it clear, we will not tolerate the type of action we have seen in Georgia. We have made that pretty clear. I think they understand that, and we are going to make it even clearer when we pass legislation that Senator Risch has authored with Senator Shaheen.

So we are going to take steps. We are going to be actively engaged, and that is one of the reasons we look forward to this hearing.

The record of the committee will remain open through the close of business on Friday. If there is questions submitted by members, we would ask that you would try to reply to those questions as quickly as possible.

And Senator Risch, anything further?

Senator RISCH. Thank you, Mr. Chairman.

The CHAIRMAN. With that, the committee will stand adjourned. Thank you very much.

[Whereupon, at 11:52 a.m., the hearing was adjourned.]

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

Ms. Wang's Response to Senator Van Hollen Regarding China's Export of Surveillance Technologies

The United States has a range of tools through which it can better address the problem of the global spread of surveillance technologies, including those exported by PRC entities. This includes sanctions on entities and individuals, as well as steps to strengthen the regime of export controls and multilateral coordination, as described in more detail below. In addition to these steps, the US should continue to support local civil society organizations and independent media that investigate and report on human rights issues, including how Chinese companies facilitate them. Finally, the US should continue to invest in building up capacity to ensure there are alternatives to Chinese-made technologies for states seeking to upgrade or expand in areas like telecommunications infrastructure.

Regarding export controls, the US government should continue to restrict the export of technologies of concern, including by Chinese companies, and solicit input from civil society when considering how to strengthen export controls to protect human rights. It should also ensure that exported US components are not being

used for prohibited applications or by prohibited end users. The US Commerce Department's Bureau of Industry and Security (BIS) has taken several important steps to these ends, including proposing a new control for facial recognition technology (FRT) used for mass surveillance and crowd scanning. Freedom House is supportive of this proposed rule because this particular use of the technology negatively impacts the rights to privacy, free expression, association, assembly, and non-discrimination. FRT produced by Chinese entities is increasingly used around the world and this regulation can help curb its spread.

In addition, Freedom House has urged BIS to also create a control for "remote biometric identification" technologies, such as iris scanning, that are also used by government actors in the facilitation of human rights violations. BIS should also improve its "Annual Country Licensing and Trade Analysis" reports by making certain data available every 6 months. This report should further provide a more nuanced presentation of information regarding the export of key technologies, like facial recognition. If BIS reporting is strengthened in these ways, it will be easier for civil society, media, academia, and other actors to track where and to whom US items are exported, which can inform research and advocacy efforts.

Finally, Congress should work with the executive branch to ensure the US government continues to lead the international community in its efforts to combat the abuse of digital technology. As it relates to commercial spyware specifically, the US government should encourage signatories to the Joint Statement on Efforts to Counter the Proliferation and Misuse of Commercial Spyware and the Export Controls and Human Rights Initiative to follow through on their commitments. Congress should urge like-minded democracies in Europe and elsewhere to follow suit, including through the Pall Mall Process led by the United Kingdom and France, among other forums. Bold action from these democracies would be an important step in combating surveillance technologies used in the facilitation of human rights violations and/or abuses by the Chinese and other authoritarian governments.

Submitted by Senator James E. Risch

Select List of Human Rights Defenders Missing or Imprisoned in China

September 2024

Gao Zhisheng, human rights lawyer missing since August 13, 2017. Authorities have not charged him or stated his whereabouts.

Xu Qin, co-founder of China Human Rights Observer sentenced to 4 years in March 2024 for “incitement to subvert state power”

Ding Jiayi, human rights lawyer detained after attending a private gathering in December 2019. In April 2023, he was sentenced to 12 years in prison for “subversion of state power.”

Xu Zhiyong, lawyer, writer, and activist detained in February 2020 shortly after he published a letter criticizing Xi Jinping’s handling of the pandemic and calling for him to step down. Sentenced to 14 years in prison on charges of “subversion of state power” in April 2023.

Yang Maodong aka Guo Feixiong, Chinese lawyer and writer who defended victims of religious persecution and pushed for asset transparency of Chinese officials. Yang was detained in 2021 when attempting to travel to the U.S. to visit his family and charged in January 2022.

Ilham Tohti, influential Uyghur writer and economist. He was arrested in 2014 and after a two-day trial found guilty of “separatism” and sentenced to life in prison.

Rahile Dawut, Uyghur scholar detained since December 2017. State authorities have not publicly disclosed Professor Dawut’s whereabouts or the charges against her.

Gedhun Choekyi Nyima, 11th Panchen Lama disappeared in 1995 as a 6 year-old after he was officially recognized by the Dalai Lama. He has not been seen in public since.

Tashi Dorje, Tibetan monk detained in 2022 for documenting government demolitions of Buddhist statues and prayer wheels near Draggo Monastery in December 2021.

Chen Yang, a Falun Gong practitioner who, along with his wife Cao Zhimin, has been held incommunicado by authorities since October 2020.

Wang Bingzhang, pro-democracy publisher and U.S. permanent resident detained since 2002 on charges of espionage on behalf of the Taiwanese government and terrorism.

Thaddeus Ma Daqin, Shanghai Auxiliary Bishop under house arrest since 2012. In 2023, Chinese authorities transferred another bishop to Shanghai.

Zhang Zhan, citizen journalist who documented the early days of Covid in Wuhan. Zhang was released from prison in May 2024, but is reportedly now back in police custody.

Peng Lifa aka Peng Zaizhou, detained on October 13, 2022, after staging a one-man protest on Sitong Bridge in Beijing. There are no reports about where Peng has been held.