THREATS TO CIVIL SOCIETY AROUND THE WORLD

HEARING

BEFORE THE

TOM LANTOS HUMAN RIGHTS COMMISSION

UNITED STATES
HOUSE OF REPRESENTATIVES

ONE HUNDRED AND FIFTEENTH CONGRESS
FIRST SESSION

MARCH 21, 2017

Official Transcript

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TOM LANTOS HUMAN RIGHTS COMMISSION

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THREATS TO CIVIL SOCIETY AROUND THE WORLD

TUESDAY, MARCH 21, 2017

HOUSE OF REPRESENTATIVES
TOM LANTOS HUMAN RIGHTS COMMISSION
Washington, D.C.

The Commission met, pursuant to call, at 1:01 p.m., in Room 2255 Rayburn House Office Building, Hon. James P. McGovern [co-chair of the Commission] presiding.

Mr. MCGOVERN. Okay. I think we are going to begin because we are expecting some votes, so we may have a little bit of a break. So I want to get as much as we can beforehand. So good afternoon, everybody, and welcome to the Tom Lantos Human Rights Commission hearing on Threats to Civil Society Around the World.

I would like to welcome our witnesses and thank them for taking the time to share their expertise and deep experience with us today. We appreciate your presence. Mr. Kiai, let me also take this opportunity to thank you for your two terms of service as United Nations Special Rapporteur on the rights to freedom of peaceful assembly and association. Many, many people the world over have been helped by your work and are very grateful for your efforts.

Both as a Commission and as Members of Congress committed to human rights, we know the critical role played by civil society organizations and movements, their leaders and their members, and the promotion and protection of human rights around the world. They are the lifeblood of the human rights movement. They play a critical role in pressuring governments to fulfill their human rights obligations, in naming and shaming human rights abusers.

Civil society groups are also key actors in the education, solidarity, and advocacy of a broad range of critical issues inside their nations. Just as the work of civil society contributes to the recognition and fulfillment of human rights, so too does civil society depend on the realization of human rights, in particular the fundamental rights to peaceful assembly and association, freedom of expression, and the right to life, liberty, and the security of the person.

Since 1948, human rights have been recognized as universal regardless of government or ideology. We are also aware that the ability of citizens to exercise and enjoy their basic human rights often advances the process of democratization. When basic human rights are infringed, the health of civil society is threatened, and when the health of civil society is threatened, all forms of good governance are threatened.

Since the 1970s, the world has witnessed a wave of democratic transitions that have been accompanied by explosive growth in the number of civil society organizations covering a broad scope of topics and concerns. But in recent years we have seen a backlash. Human rights defenders and civil society organizations increasingly face hostile and threatening environments. In 2014 alone, CIVICUS, an international association of civil society groups, counted, and I quote, significant attacks on the fundamental civil society rights of free association, free assembly, and free expression in 96 countries, end quote.

As we will hear today, the specifics of these attacks vary but there are common trends. Many countries now have laws that "close the space" for civil society by imposing expensive, arbitrary, or impossibly complex registration requirements, or which limit NGOs from receiving foreign funding or grants. Since 2012, governments around the world have enacted 194 laws affecting civil society, of which 65 percent were restrictive.

In other countries, the threats are often against the integrity, lives or security of organizations, defenders, their colleagues, and even their families. Civil society organizers and human rights defenders have been defamed as terrorists and traitors, subjected to judicial harassment, or falsely imprisoned, or become the victims of physical threats, reprisals, and assassinations.

Speaking personally, far too many of the human rights defenders and activists I have had the honor and privilege to know over the years have been murdered: very brave people like the Salvadoran Jesuit priests, Ignacio Ellacuría, Segundo Montes, and Ignacio Martín Baró; a Russian democracy advocate Boris Nemtsov; an Honduran land activist and indigenous leader Berta Cáceres. Most of the time those responsible for their deaths benefit from entrenched impunity. Even as we meet today, thousands of human rights defenders and civil society leaders bravely carry out their daily work under the threat of death.

The Obama administration recognized the global crackdown on civil society and took some measures to combat it such as the Stand with Civil Society initiative, a global call to action to support, defend, and sustain civil society groups worldwide. It made a point of working with and consulting civil society groups and opposed undue restrictions on civil society and fundamental freedoms.

Whatever the criticisms of these efforts, and there were certainly criticisms, they reflected the longstanding U.S. belief that supporting civil society also supports and advances human rights and democracy. So I am hopeful that Secretary of State Rex Tillerson will also stand with civil society and continue this initiative.

And while we have yet to hear the Trump administration's proposals in this area – and the budget announced last week, in my opinion, is not particularly encouraging – I am hopeful that this initiative will continue to receive bipartisan support here in Congress.

So this hearing is very timely and shining light on why Congress and the new administration should continue to support and advocate for a strong and healthy civil society in every nation.

Today we will hear from a number of experts about the causes and consequences of serious threats confronting civil society around the world. I look

forward to hearing their recommendations and their suggestions on what actions the U.S. Congress should take that might help advance civil society, and those that might contribute to reversing some of the trends adversely affecting civil society globally and in particular countries.

And before we go to our first witness, I am happy to yield to my distinguished co-chair, Congressman Hultgren, for any opening statements.

[The prepared statement of Co-Chair McGovern follows:]

PREPARED STATEMENT OF THE HONORABLE JAMES P. MCGOVERN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MASSACHUSETTS AND CO-CHAIR OF THE TOM LANTOS HUMAN RIGHTS COMMISSION

Tom Lantos Human Rights Commission Hearing

Threats to Civil Society Around the World

Tuesday, March 21, 2017
1:00 – 2:30 PM
2255 Rayburn House Office Building

Opening Remarks as prepared for delivery

Good afternoon and welcome to the Tom Lantos Human Rights Commission hearing on "Threats to Civil Society around the World." I would like to welcome our witnesses and thank them for taking the time to share their expertise and deep experience with us today. We appreciate your presence.

Mr. Kiai, let me also take this opportunity to thank you for your two terms of service as United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association. Many, many people the world over have been helped by your work and are very grateful for your efforts.

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Mr. HULTGREN. Thank you very much, good to be with you. Thank you all for being here today for a very important hearing, and I want to thank you for your work. Good afternoon, and it is so important for us to be meeting together today on this subject.

Throughout the history of the United States, civil society organizations have raised a crucial voice on behalf of our country. They have often challenged and encouraged the government to wisely steward its responsibility. At its best, the space of civil society facilitates a complex marketplace of ideas where people are strengthened by their differences and encouraged by how much they have in common. A healthy and thriving government protects this space, knowing that basic human rights such as freedom of speech, association, and religion are the building blocks of democracy.

In recent years it has been widely reported that many governments around the world are taking steps to close off the space in which civil society organizations operate. The aim of much of this legislation is to force organizations to gain government permission for their work and for their funding. This is particularly applied to organizations working on behalf of human rights and to those who have spoken against government violations of basic rights.

As just a few examples, Cambodia passed a law in 2015 giving the government broad powers to close and prosecute NGOs and criticize its policies. Egypt's parliament approved a law in November 2016 giving the government broad discretion to deny the registration of civil society organizations. The closing of civil society space decreases government accountability and infringes on the rights of ordinary citizens.

We have a very distinguished panel with us today and I look forward to hearing how the United States' policy may better address the threats that civil society is facing in many nations around the world.

Thank you. Good to be with you, co-Chairman, and again I want to thank our presenters today, and with that I yield back.

Mr. MCGOVERN. Thank you very much, and our first panelist is Maina Kiai. And am I pronouncing it correctly?

Mr. KIAI. Kiai.

Mr. MCGOVERN. Kiai, okay. Maina Kiai is the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and association. Among his many accomplishments Mr. Kiai served as chairman of Kenya's National Human Rights Commission from 2003 to 2008. He was also the executive director on the International Council on Human Rights Policy, director of Amnesty International's Africa Programme, and Africa Director of the International Human Rights Law Group.

And so I think that is the sign that there is votes, but why don't we begin and then we will take a break after you give your opening statement. Welcome.

STATEMENT OF MAINA KIAI, UNITED NATIONS SPECIAL RAPPORTEUR ON THE RIGHTS TO FREEDOM OF PEACEFUL ASSEMBLY AND OF ASSOCIATION

Mr. KIAI. Thank you very much, honorable co-chairs, and thank you for your opening statements which are very useful and very pertinent at this point. And thank you for inviting me to address this body on the subject of closing space for civil society – in other words, the increasingly restrictive and hostile environment that civil society faces throughout the world. I have served as the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and association since May 2011, with a mandate to examine, monitor, and publicly report on these rights across the world.

I have been reflecting a great deal on how much the world has changed since the U.N. Human Rights Council created my mandate in October 2010, a mandate that was sponsored by the United States. Back then, the rights to freedom of peaceful assembly and association were sometimes overlooked in the pantheon of rights, and the phrase "closing space for civil society" was way less common.

Since then, however, these rights have underpinned some of the most momentous political events of the 21st century: the Arab awakenings in the Middle East and North Africa; mass protests that forced out leaders in Ukraine, Guatemala, Iceland, South Korea, Burkina Faso, and Brazil; citizens movements in Hong Kong, Ethiopia, Bahrain, Malaysia, the United States; and so much more. We have seen quite dramatically the power that civil society can wield in peacefully progressing democratic values and the aspirations of ordinary people.

Unfortunately, over the same period, we have also seen the most comprehensive rollback of civic freedoms since the end of the Cold War, including anti-NGO laws, restrictions on protests, increased militarization of police around policing of protests, crackdowns on trade unions, and campaigns of violence and intimidation against civil society leaders. We have also seen the rise of politicians coming to power on the back of promises to restrict fundamental rights, such as Rodrigo Duterte in the Philippines.

Sadly, these new tactics of repression and control have gone hand-in-hand with some of the old tactics. We remember and honor Berta Cáceres, the founder of the Council of Popular and Indigenous Organizations in the Honduras, who was killed almost exactly a year ago.

These two trends may seem paradoxical, but they are in fact inextricably linked. It is precisely because civil society can be so powerful, persuasive, and persistent that governments are moving to restrict it. And it is precisely because civil society has been so successful in motivating change that those with power, including powerful business interests, are fighting back.

And that fight-back has been vicious. I could spend the rest of the afternoon recounting hundreds of examples of just how difficult the environment is right now for civil society actors of all sorts, in every corner of the globe. There is the brutal suppression of demonstrators that has been taking place in Ethiopia since late 2015, with hundreds killed by the government and no officials held to account.

And in Kenya, the excuse of counter-terrorism has been used to try to silence critical NGOs whose work, ironically, reduces the scope for violent extremism by exposing corrupt, extortionist security forces.

In Cambodia, government leaders are rewriting laws to suppress independent NGOs and trade unions, jailing activists for exercising their fundamental rights, and using violence and a corrupt judiciary to undermine any political opposition, mainly to shield themselves from accountability for mass corruption.

Similar efforts are ongoing in Malaysia where the regime is targeting all critical sectors to avoid accountability for the massive corruption around the 1MDB organization, some of whose proceeds have been invested here in the U.S.A.

There is Bahrain and its thousands of political prisoners, including people like Abdulhadi Al-Khawaja and my friend Abduljalil Al-Singace, who will spend the rest of their lives in prison for leading peaceful pro-democracy protests.

It is the same story in Azerbaijan where the authorities have put in place legislation allowing the State to fully control civil society and justify the arbitrary detention of critical human rights defenders, journalists, and activists.

And in Rwanda, economic progress is hailed even when it comes at the expense of closed space for civil society and no tolerance for public dissent.

I could give many more examples, including from the U.K., France, Russia, and Kazakhstan, but the point today is not to highlight specific trees. It is to show the forest, and to underscore that this forest is quite literally on fire.

Indeed, as my time of Special Rapporteur comes to a close, one thing is increasingly clear to me. We are in the midst of an epic global struggle, and it is not just about civil society space, assembly rights, or any other human rights in isolation. It is about our freedom writ large, a global clash between tyranny and intolerance on the one hand, and self-determination and dignity on the other that could shape the course of our world for generations to come.

This struggle is for the future of equality, humanity, and democratic values. It could also be a fight for our very existence, given the slew of serious and intractable problems our world faces today: brutal wars, rampant corruption, devastating environmental destruction, growing poverty amidst dangerous inequality and a shrinking middle class, violent extremism, and rising intolerance of "the other," just to name a few.

It is in everyone's interest to give people tools to fight these forest fires and to do it peacefully, so that we can reconfigure our world into something more sustainable, equitable, and just.

It is a time when assembly and association rights are needed most, so people can peacefully speak out, contribute their talents, and share their ideas. If we don't give people these tools, our world faces a dark future. If there is one thing I have learned in my years defending human rights, it is that people who have no means to engage in their society also have no stake in protecting it, let alone defending it. Inevitably, some will feel emboldened to destroy it because it no longer includes them. The destruction may not come tomorrow, next week, or even next year, but eventually things will explode.

The struggle we face today is about creating a world where people have a stake; the road to achieving this world will not be easy. And let me conclude by

emphasizing that it will be harder to achieve without the United States fulfilling its role as a global leader on human rights.

The United States, which graciously hosted me on an official visit last summer, needs to set an example by promoting and protecting the fundamental rights of its citizens, and the people on its soil.

It starts with the United States accepting that trade unions, with their right to strike and collective bargaining, are a crucial part of democratic values and for reducing inequality and frustrations. People should be robustly encouraged to form unions, as a counterweight to the enormous and unfettered power of businesses which leads to inequality.

It starts with the United States doing more to de-racialize the criminal justice system so that black people feel that their lives matter.

It starts with the United States embracing the power of freedom of peaceful assembly instead of allowing discourses and legal efforts to violate and undermine it.

And it starts with the United States leading the fight against misogyny, intolerance, and bigotry, both for all the people in its territory, but also as an integral part of its foreign policy and international relations.

This means that the United States should continue to play an active and hopefully positive role in multilateral bodies such as the United Nations.

It means not playing favorites when it comes to human rights abroad, and recognizing that security, trade, and human rights are indivisibly linked. There can be no peace without justice. There is no stability without freedom.

If ever there was a time for the U.S. Congress to assert its leadership both here and abroad, it is now. Many generations past across the world have looked to the U.S. and the U.S. Congress as the beacon of hope and support for progressive values, and at a time when democratic values are in recession across the globe, this body is more necessary than ever.

This is not a time for empty words, trite slogans, and doublespeak. The stakes are too high for the United States and for all of us. Thank you.

[The prepared statement of Mr. Kiai follows:]

PREPARED STATEMENT OF MAINA KIAI

THE TOM LANTOS HUMAN RIGHTS COMMISSION

U.S. CONGRESS

"Closing civic space and the threat to the future of global democracy"

Tuesday, March 21, 2017

Maina Kiai, United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association

The Honorable Co-chairs of the Tom Lantos Human Rights Commission of the US Congress, Ladies and Gentlemen:

Thank you for inviting me to address this body on the subject of "closing space for civil society" – in other words, the increasingly restrictive and hostile environment that civil society faces throughout the world.

I have served as the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association since May 2011, with a mandate to examine, monitor and publicly report on these rights across the world.

I have been reflecting a great deal on how much the world has changed since the UN Human Rights Council created my mandate in October 2010, which was sponsored by the US.

Back then, the rights to freedom of peaceful assembly and of association were sometimes overlooked in the pantheon of rights, and the phrase "closing space for civil society" was way less common.

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--anti-NGO laws;

--restrictions on protests;

--increased militarization of police;

--crackdowns on trade unions; and

--campaigns of violence and intimidation against civil society leaders.

We have also seen the rise of politicians coming to power on the back of promises to restrict fundamental rights, such as Rodrigo Duterte in the Philippines.

Sadly these new tactics of repression and control have gone hand in hand with some of the old tactics: We remember and honor Berta Caceras, the founder of the Council of Popular and Indigenous Organizations in the Honduras who was killed almost exactly a year ago.

These two trends may seem paradoxical, but they are, in fact, inextricably linked. It is precisely because civil society can be so powerful, persuasive and persistent that governments are moving to restricting it. And it is precisely because civil society has been so successful in motivating change that those with power, including powerful business interests, are fighting back.

And that fight-back has been vicious. I could spend the rest of the afternoon recounting hundreds of examples of just how difficult the environment is right now for civil society actors of all sorts, in every corner of the globe. There is the brutal suppression of demonstrators that has been taking place in Ethiopia since late 2015, with hundreds killed by the government and no officials held to account.

And in Kenya, the excuse of counter terrorism has been used to try to silence critical NGOs whose work, ironically, reduces the scope for violent extremism by exposing corrupt, extortionist security forces.

In Cambodia, government leaders are rewriting laws to suppress independent NGOs and trade unions, jailing activists for exercising their fundamental rights, and using violence and a corrupt judiciary to undermine any political opposition—mainly to shield themselves from accountability for mass corruption. Similar efforts are ongoing in Malaysia, where the regime is targeting all critical sectors to avoid accountability for the massive corruption around the 1MDB organization—some of whose proceeds have been invested here in the USA.

There is Bahrain and its thousands of political prisoners, including people like Abdulhadi Al-Khawaja and my friend **Abduljalil Al-Singace (both featured in this Commission's Defending Freedom's Project)** who will spend the rest of their lives in prison for leading peaceful pro-democracy protests.

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It is in everyone's interests to give people tools to fight these "forest fires,"--and to do it peacefully--so that we can reconfigure it into something more sustainable, equitable and just.

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And it starts with the United States leading the fight against misogyny, intolerance and bigotry, both for all the people in its territory, but also as an integral part of its foreign policy and international relations.

This means that the United States should continue to play an active, and hopefully positive, role in multilateral bodies such as the United Nations. It means not playing favorites when it comes to human rights abroad, and recognizing that security and human rights are indivisibly linked. There can be no peace without justice. There is no stability without freedom.

If ever there was a time for the US Congress to assert its leadership both here and abroad it is now. Many generations past have looked to the US and the US Congress as the beacon of hope and support for progressive values, and at a time when democratic values are in recession across the globe, this August body is more necessary than ever.

This is not a time for empty words, trite slogans and doublespeak. The stakes are too high – for the United States, and for all of us.

Thank you.

Mr. MCGOVERN. Well, thank you very, very much for your excellent testimony. As I said we have votes. We are going to break here, but let me make a suggestion while we are gone. There are some chairs here, people should sit down. You are making me nervous standing up. So if we can reconfigure this so everybody can sit down that would be better. So anyway we will be back shortly. Thanks.

[Whereupon, at 1:18 p.m., the Commission recessed, to reconvene at 1:53 p.m., the same day.]

Mr. MCGOVERN. All right, I ran over here so quickly I need to catch my breath. Thank you. Thank you so much for waiting and thank you for your patience and thank you for your excellent testimony.

And maybe we could begin with, if you could give us your perspective, you know, what are the main causes of these threats to civil society? I mean, the threats to civil society appear to be a global phenomenon. Is it possible to generalize about causality or is each individual country case unique? Are there regional factors at play?

What order of importance do you attribute to different causes giving rise to threats to civil society? Are there some that are important than others? Do different causes point to different policy responses? Just give you – it is a short question.

Mr. KIAI. Thank you, Congressman, for that. I think, no, of course you cannot generalize the causes across the world and they are all different. But in general terms, I think the big part of the causes, I think, is a sense of, is a recession. It is a democratic recession and antipathy towards dissent.

So whether the dissent is coming from environmental groups who want to continue, who are opposed to the environmental projects, or they are not tied in with a state, but generally it is a sense of intolerance that is going on across the world, people in governments and people in authority and those with power.

And I want to emphasize here that also includes businesses that have become really powerful and are working in cahoots with states often. In fact, the trend now is that not only are businesspeople influencing governments, they are now taking over governments in many parts of the world and I think that is changing a lot of the dynamics around that.

So you see that there is a lot, this, I call it fundamentalism, and whether it is a market fundamentalism, or it is religious fundamentalism, because that is another part of it. So it is state and non-state actors. It is also political fundamentalism where governments like China believe that no one but the Communist Party has anything to offer. Or it is nationalistic fundamentalism as in Russia, where there is basically one viewpoint that is only allowed. So dissent is a big part of it.

And when we look at it, it is not just about civil society. In fact, the issue is really closing space for dissent, so that includes independent media, whether they are for-profit or non-profit – that is also affected. It is people opposed to big projects around – sometimes it is people trying to form trade unions in some countries because there is a sense of opposition to it. It is people in Ethiopia who are trying just basically to do women's rights issues and across the world.

So that is where it starts from. And I think the cause as I mentioned in my testimony is, I think, states' understanding that civil society can be powerful without it being entirely political and looking for votes. I think that is where it starts from.

Mr. MCGOVERN. I also worry too that countries are more and more using fear as a tactic to close down political spaces, you know, where we are doing this to protect the greater good. You know, we can't have opposition newspapers because they will give comfort to our supposed enemies, or we can't, you know, have different voices or different groups be recognized because that makes things complicated.

But I just, and I don't know if this is, I mean, I suppose it has always been this way, but it seems to me that fear is being used more and more and more by countries around the world to basically shut down any kind of dissent.

Mr. KIAI. Indeed, sir.

Mr. MCGOVERN. I am thinking of the Philippines too, with, you know, the terrible atrocities going on there and, you know, this guy gets up and says, you know, basically says he is fighting terrorism when he is killing innocent people every day.

Mr. KIAI. Indeed. I think fear is fear globally and as I said is not a new phenomenon. I think if you go back to the Cold War it was a big factor to stop dissent. The trends now is that many states are using terrorism as the excuse or they are using the drug war in Philippines, or they are using the need for national unity in different countries, or they are using a sense that we have to decide ourselves.

But what I find fascinating, for example, and let me use the example of Ethiopia, is that groups that are working on governance issues – women's rights, election, anti-corruption, human rights – are mandated to receive only ten percent of foreign funding. That is all they are allowed. Yet this is a government that receives 65 percent of its budget from foreign sources. And it just doesn't make – so it seems to say that if the money comes to government it is fine; if it goes to civil society it is not fine.

So I think this kind of issue is one that needs further exploration and further interrogation, I think, by the United States and by the Congress to figure out how does Ethiopian Government justify this, because it also does, I mean some of those resources are being used on these same issues, on women's rights, by the government. It is being used on election issues by the government.

So why it is all right for foreigners to fund government but not fund civil society is incredible, I think. It is one of the hypocrisies of our time.

Mr. MCGOVERN. You know, I have over the years been involved in efforts to try to condition aid to certain countries based on human rights progress, or cut aid if there is a lack of progress in human rights. Unfortunately, there is always a waiver that is put in there that oftentimes is utilized by the administration which kind of takes the teeth out of the message we are trying to get across.

But one of the things I fear, and I'd appreciate your comments on this, is that governments that I think have long been counted on to advocate for human

rights are now more and more advocating policies that put human rights on the back burner for the sake of economic interests, military strategic interests, that we have a military – and I will give you an example, Bahrain.

You know, we are deeply concerned about the eroding situation in Bahrain. And, you know, and this goes back to the previous administration. We were very critical of them for not being tougher on the government of Bahrain that was jailing doctors, people who treated, you know, protesters, as well as anybody who had a different point of view. But, you know, in conversations it always came back to the strategic interest here, you know, and how it fits into our geopolitical, you know, view of the world. And Iran might be a threat and we need to have Bahrain – and so therefore I think there was a little bit of a soft-pedaling when it came to human rights.

And I worry that that is becoming the trend. With China. I mean, our economic ties are very, very, you know, substantial, and it is, you know, every once in a while we will get a statement out of an administration that will highlight a human rights, you know, problem or challenge. But when it comes to Tibet, for example, other than kind of talking the talk, we don't walk the walk. I mean, there is no consequence for China's policy in Tibet. There is no consequence for China's policy on the Uyghurs. There is no consequence for China's, you know, cracking down on human rights defenders in Beijing or in Hong Kong. Russia, the same thing.

That is why we passed this Magnitsky Act, and now the Global Magnitsky Act, was to basically say even if there is not a consequence in the particular country for a human rights abuser, there will be a consequence here, you can't come here. You can't hide your money in our banks.

But I worry that we are getting to the point where people are resigned to the fact that human rights has to take a, you know, be on the back burner because these other issues are more and more important.

Mr. KIAI. Yes. I think, and you have mentioned something really important. I think the fact is that historically human rights has never been really the core principle, or the core issue, in many countries' foreign policy, and that is one of the saddest things around it all. And I think that it is getting less and less important as the world changes in the way we are seeing.

And I think the call is to say that yes, I think anybody in human rights, works in human rights, will accept that human rights is not the only concern that any country should have. The other concerns is trade, the security, and other things that are important. But when human rights is constantly being put on the back burner, is being treated as a stepchild, it does affect every other relationship in the world. And I think what you say is important.

And I want to say something as well, because I think this is important for those of us who are not American who have been involved in this work, is the U.S.'s, one of the U.S.'s strengths has been as a model power, the soft power of the U.S. in speaking out, in raising issues, in protecting individuals, in protecting aspects of it. I think that is something you don't want to lose, and I think that is something where you want to see that U.S. role playing out even though sometimes U.S. has played a negative role on human rights and other issues.

But you want to maintain the fact that it is done on the positive side. I think for us the issue is to encourage the U.S. to keep on doing the positive things it has done historically and I think that is an important part.

But I also want to say that it seems to me some of the issues that are rather simple that we can all agree on, like trade union rights, where I don't think anybody in the world should think that trade unions are bad, because I think you cannot, there is no other way you can ever build up equality and build a middle class without strong trade unions.

I think that is somewhere the U.S. needs to provide leadership in its – both internationally, but also domestically, in terms of encouraging trade unions. When I was here it surprised me that there is sometimes people think of it, think that the government should be neutral around trade union rights. But I think the framing of international human rights law and the understanding is that actually there is a duty, a positive duty, by states, by the government, to promote trade union rights and people to associate for their own betterment, to increase their capacity to gain better and the right to strike. So I think it is important to say that. And some of these things don't cost money. It doesn't cost money, but I think it is important to keep the United States as some sort of a beacon. It is a tough world out there.

And I think that as we are all seeing and all trying to make sense of what is going on in the world in different countries, as the rise of various forms of intolerance increase, I think we are all asking ourselves where will the U.S. Congress play out on this, and whether the U.S. Congress will remain that conscience of the administration, but also the conscience of many people in the world, and keep playing the role and pushing for these rights to happen, because there is no way that you can have a democracy without civil society, whichever way you cut it.

So any country that says it is a democracy but does not encourage a broad civil society, the content almost doesn't matter, it really is that the people have the chance to associate and assemble, the chance to protest, the chance to express themselves. Without that, you know, you cannot have a democracy, and you can't even have proper development.

And the mythology that keeps coming up in many places that the Beijing model of development is what is good, where you forget about rights and just make sure that economic growth happens, is the best way, I think, has been shaken by Tunisia in 2011, because Tunisia had ticked all the boxes of the Millennium Development Goals, had achieved everything, but it hadn't done enough on the freedom aspect, on the sense of people feeling that they have stakes in the country.

So when Mohamed Bouazizi killed himself, then just led to all this outpouring, and Tunisia has no longer achieved those indicators it had there. So I think for me the big thing is that development also happens best when people are also given the chance to speak, when freedom goes hand in hand with development.

And it is easy to think the Beijing model is the best way to go and, you know, shut everybody out, because that is not sustainable, it is really top-down,

and it is very shaky. It can be shaken so fast and so easily that you lose out at the end of the day.

Mr. MCGOVERN. No, and I agree with you. And I think also that, you know, speaking for the United States, I mean, I think it is in our interest to support civil society around the world and to promote human rights because, you know, usually when the human rights situation is bad, countries are, you know, there is a lot of instability, and oftentimes in terms of development for those countries, who wants, you know, a lot of people want to, do you want to invest in resources in countries like that?

Let me just say one final thing because you are the U.N. Special Rapporteur, so I think it is important. And before I get there, I just want to say, one of the, you know, you were talking about U.S. Congress. One of the unique things about this Commission, and if my colleague Congressman Hultgren were here I would say this, that the people on this Commission actually believe that human rights ought to be a major part of our foreign policy. We ought to be up front, out loud, foursquare for human rights. And this is, you know, this is a rarity on Capitol Hill where, I mean there is this bipartisan consensus. And we come and we meet on all kinds of issues, in fact with people all over the world, and it was out of this Commission that the Magnitsky Act came about. And on a whole series of human rights legislation, I mean this Commission has been in the forefront, either in kind of developing it or pushing for it.

So, you know, it doesn't matter who is in the White House, Democrat or Republican, doesn't matter who is in control of Congress. I mean, I think the people on this Commission here are all of like mind, so I mean just a little bit of reassurance.

But since you, I want to just give you a little opportunity here to basically put on record, what is the value of the United Nations and other multilateral institutions in pushing back against the closing of space for civil society? In other words, why is U.N. action important? I think sometimes people question whether the U.N. is effective. I want to give you an opportunity to tell us why it is.

Mr. KIAI. And thank you for that question. I think the U.N. is crucial when talking about human rights across the world because it gives – it is a universe, it is a global body. It is not one country, it is not one country's foreign interest. It is not one country's strategic interest. It is the world saying we care about human rights, and to that extent it has been quite useful and quite effective.

I know what they call the special procedure system of the United Nations as Special Rapporteur, and I can tell you that I think there are few mechanisms that exist globally that are as effective and as useful to human rights as these mechanisms. In the work I have done for the last six years, going to many, many countries across the world, the kind of hope that, that this brings to people, because I go and speak as a U.N. Special Rapporteur, has been amazing. It has actually been way beyond my expectations when I started. I didn't think that it would be that important and that useful to people in terms of giving hope and motivating civil society and motivating activists and human rights defenders.

I think the U.S. engagement has been useful, to be honest, I think especially the last six years since I have been in this [unintelligible], the U.S.

pushed and sponsored this mandate. The U.S. has been an ally in many ways in working through some of the harder countries and pushing some of the harder resolutions. I think the involvement has been a positive involvement. And I think anybody who has hung around the halls of U.N. human rights system in Geneva will tell you the U.S. has been an active and positive player the last few months. It is important that is built on rather than destroyed, and I think it is important that this bipartisan approach continues in terms of the U.N. in Geneva and in the Office of High Commissioner.

I want to say that I think the world is lucky right now because the High Commissioner for Human Rights is absolutely brilliant and wonderful and very clear about human rights in a very nonpartisan, clear, unambiguous way. It is a good moment. He is able to criticize Russia and the U.S. at the same time, Europe and Africa at the same time, Asia, and be able to also push forward a global standard as what we need.

So I think what the U.N. does bring is a global standard for these values and that is important. That you don't have people feeling that this is the U.S. pushing this, or this is Russia pushing this, or China pushing that or India pushing that or Venezuela pushing something. It is seen as a global approach.

And that is very, very useful because it makes it clear that across the world we all are deserving of these rights no matter where we were born or no matter where we have the fortune or misfortune of being born in whichever country. We all have these rights and these rights stay with us whether we are, these rights stay with us even when we cross borders. The rights do not depend upon a country. They depend upon the fact that you are an individual human being in a global world, and these rights go with me wherever I go.

So, and that is the important part of the U.N. system, and I think that would be useful that the U.S. Congress, even as the budget is coming through, does maintain some of this support for human rights within the budget for the U.N. human rights system and a special procedure spot.

Mr. MCGOVERN. Well, I appreciate very much your words of advice and I appreciate all the work that you have done in service to human rights. We are very grateful and I wish we had a lot longer to have this conversation, but we have to go to another panel, and then they are going to throw us out of the room.

But I do want to tell you how much we appreciate you being here and how much we appreciate your service, and I hope that you will stay in touch with us, and any suggestions along the way, you know, and any advice would be most welcome. But I again thank you so much, appreciate it.

Mr. KIAI. Thank you very much.

Mr. MCGOVERN. So we will call up now the second panel. First, Vanessa L. Tucker, the vice president for analysis at Freedom House where her area focus is the Middle East. She previously served as the project director of Countries at the Crossroads, Freedom House's annual survey of democratic governance in 70 strategically important countries around the world.

Margaret Huang – am I pronouncing that properly? Good. I usually screw everything up – is the executive director of Amnesty International USA. She has previously worked as executive director of the Rights Working Group,

director of the U.S. program at Global Rights as program director at the Robert F. Kennedy Center for Human Rights, as program manager at the Asia Foundation, and as committee staff for the U.S. Senate Foreign Relations Committee.

Doug Rutzen is president and CEO of the International Center for Not-for-Profit Law which works with governments and legislators in civil society to develop the legal framework for civil society and philanthropy in over a hundred countries. Under Doug's leadership, ICNL received the MacArthur Award for Creative and Effective Institutions. Among other activities Doug serves as the Federal Advisory Committee on Voluntary Foreign Aid and co-chairs the civil society pillar of the Community of Democracies.

Dr. Maria J. Stephan is a senior policy fellow at the U.S. Institute of Peace. Previously she worked as nonresident fellow at the Atlantic Council and is lead foreign affairs officer at the U.S. State Department's Bureau of Conflict and Stabilization Operations. Working at both the Afghanistan and Syria engagements, Stephan has written or edited numerous works on non-violent civil resistance, democracy, and governance.

Thank you all. Did I mispronounce anybody's name?

Ms. STEPHAN. Stephan.

Mr. MCGOVERN. Stephan, right. All right, I want to get it right because we are on camera. Anyway, so Ms. Tucker, why don't we begin with you?

STATEMENTS OF VANESSA L. TUCKER, VICE PRESIDENT FOR ANALYSIS, FREEDOM HOUSE; MARGARET HUANG, EXECUTIVE DIRECTOR, AMNESTY INTERNATIONAL USA; DOUGLAS RUTZEN, PRESIDENT AND CEO, INTERNATIONAL CENTER FOR NOT-FOR-PROFIT LAW; AND MARIA J. STEPHAN, SENIOR POLICY FELLOW, UNITED STATES INSTITUTE OF PEACE

STATEMENT OF VANESSA L. TUCKER, VICE PRESIDENT FOR ANALYSIS, FREEDOM HOUSE

Ms. TUCKER. Thank you. Chairman McGovern and Chairman Hultgren, and members of the Commission, it is an honor to testify before you today. I ask that my full written testimony be admitted to the record.

Mr. MCGOVERN. Without objection.

Ms. TUCKER. Freedom House's flagship publication, Freedom in the World, has documented political rights and civil liberties in every single country in the world for more than 40 years. Our most recent addition marked the 11th consecutive year of decline in global freedom. This is the longest-running slump that we have ever measured.

After a long-running trend of authoritarian governments getting worse, 2016 saw a number of setbacks in countries widely considered to be established democracies, among them Brazil, the Czech Republic, Denmark, France, Poland, Serbia, South Africa, South Korea, Spain, and Tunisia. Our analysis shows that the ability of civil society institutions to function without State restrictions has suffered a pronounced decline over this period.

It is in particular the organizations that pursue politically sensitive topics – human rights advocacy, democratic reform, and anti-corruption measures, among them – that are under threat. The setbacks have been concentrated in States like Russia, China, Venezuela, and Iran, but civil society has also met growing problems in democracies, Indonesia among them; and in settings where democracies' prospects are unclear including Ecuador, Hungary, Bolivia, and Kenya.

Especially in countries where elections have been rendered meaningless, civil society groups can be surrogates for democratic opposition and are therefore regarded with deep suspicion by the leadership. The growing offensive against civil society is in many ways a tribute to the prominent role that these organizations play in the political life of most countries.

An active civil society is often seen as a formidable threat to oppressive or illiberal, the illiberal status quo. Civil society was the linchpin in the successful popular revolutions in Serbia, Ukraine, Tunisia, and Georgia. In fact, civil society organizations frequently pose a greater threat to autocracy than do traditional opposition parties which have proven relatively easy for determined authoritarians to sideline, neutralize, or co-opt. Civil society movements, by contrast, are generally composed of younger activists committed to a cause who are more resilient, more agile, and less prone to corruption. These factors make civil society the central avenue for political participation in many countries and therefore a prime target for an assault on democratic rights.

Governments employ myriad legal and strong-arm strategies to restrict civil society, but I would like to draw attention to a theme that runs through all of these tactics: the vilification of civil society as illegitimate and foreign. These groups are often portrayed as venal paid agents of nebulous transnational forces dedicated to diluting national sovereignty. This phenomenon has surfaced across Europe particularly with the advent of the migrant crisis. The common theme is that pro-democracy civil society groups that stand up to populists and nationalists, defend the rights of minorities and refugees, and work with institutions like the European Union, are alien to an authentic nation.

Civil society groups work to solve some of the most difficult political questions their countries have ever faced and are ridiculed as foreign agents, left vulnerable to attack by the increasing numbers of radical nationalist forces. It is an immediate threat to human rights democracy when this kind of political activity is presented as a foreign imposition rather than a basic political participation based on fundamental democratic principles.

Freedom House recommends three measures to stop this troubling trend. First, there are many leaders around the world who see the current political climate in the United States as vindication of their engagement with extremist and populist rhetoric. Congressional leaders on both sides of the aisle should condemn attacks on, and public ridicule of, civil society in the United States and anywhere else in the world, in order to make it clear that they do not endorse an approach to politics that treats civil society groups as enemies of the nation. When mainstream politicians flirt with extremist rhetoric, it normalizes that

behavior and opens the door to groups and individuals that will act whether through speech or through physical violence.

Secondly, the U.S. should prioritize diplomatic and financial support for civil society organizations around the world. This is a matter not just of doing what is right, but is also a strategic imperative. Pluralist societies have more mechanisms for peaceful dispute resolution and are therefore more stable international partners. Strong and diverse civil society is an excellent foundation for political pluralism.

Finally, this support should include the return of USAID to Central and Eastern Europe to provide sustained support to civil society groups. It is clear from our analysis over the last few years that the deterioration in Hungary over recent years is just the beginning and a process of de-democratization is under way in some important areas of the region. Both Hungary and Poland are currently considering legislation to restrict civil society organizations. The United States must make clear, even before such legislation is considered by legislative bodies, that we consider such measures an assault on democracy. It is not in the American interest to let this decline grow worse and it would only be an unfortunate development for the region and would send a terrible message to emerging democracies around the world.

Despite these disturbing trends that I have outlined, there remains a great deal of democratic activism by civil society groups around the world. In the face of increasing threats and violence from governments and nationalist groups, civil society organizations continue to do the difficult work of promoting democratic change. These groups are on the front lines of the defense for democratic liberties and they deserve our support and admiration. Thank you.

Mr. MCGOVERN. Thank you.

STATEMENT OF MARGARET HUANG, EXECUTIVE DIRECTOR, AMNESTY INTERNATIONAL USA

Ms. HUANG. Thank you very much. Good afternoon. I am Margaret Huang, the executive director for Amnesty International USA. I would like to thank the Lantos Human Rights Commission, of course Chairman McGovern and Chairman Hultgren, for this important hearing and for inviting Amnesty USA to participate today.

I also want to take the opportunity to acknowledge the critical work of the Lantos Commission in highlighting human rights as a priority for the U.S. Congress. Your work has helped to free prisoners of conscience around the world including Doctor Tun Aung in Myanmar, school teacher Soni Sori in India, and human rights defender Nguyen Tien Trung in Vietnam. You have helped to change lives and we are grateful, but we have a lot of work to do moving forward.

As other panelists have noted, human rights defenders – people who take non-violent action on behalf of human rights – are under grave threat around the world and we are actually in a moment of crisis. Today, almost 70 years after the adoption of the Universal Declaration of Human Rights, and 20 years after the adoption of the Declaration on Human Rights Defenders, the space in which human rights defenders work is shrinking and defenders themselves are being targeted, attacked, imprisoned, and killed.

Governments, armed groups, companies, and others in power are taking a range of measures to silence criticism and to stop the work of defenders. As those in power seek to protect their interests, they portray those who challenge them as foreign agents, as terrorists, or as threats to development, thereby creating divisions in communities. This paves the way for them to attack defenders, ruin reputations, unjustly imprison people, and to use violence.

Governments are legislating to restrict the peaceful exercise of human rights, placing obstacles in the way of defenders' work, and putting them at greater risk. Such laws ban access to foreign funding for civil society organizations or place hurdles in the way of registration. They authorize the use of excessive force or punitive charges against peaceful protesters, or they allow for mass surveillance. Day by day, the space in which civil society operates is shrinking more.

Hate speech and the casting of collective blame onto minority groups for real or perceived social ills or economic hardship is on the rise and is creating an environment of hostility. The persistent disregard for international law and standards is also creating an unstable and dangerous environment for defenders.

Defenders often lack access to information, networks, and tools that they need to bring about change and to keep themselves safe. Many countries lack the laws and programs to support their work or protect them from attacks. Those who attack them are rarely brought to justice. Defenders in all regions and from every walk of life are risking everything to end injustice, so we must support them and

see ourselves as human rights defenders, recognizing our responsibility to protect the rights of all people.

In light of this, Amnesty International is launching a global campaign this year to protect human rights defenders around the world. And we will be covering a range of themes, including killings of defenders, surveillance, the use of laws to shrink the space for civil society, and the important role of women human rights defenders.

In the rest of my remarks I would like to focus on the grave problem of killings and attacks of defenders particularly in the Americas region. We have submitted a copy of Amnesty International's Annual Report which goes into much greater detail about trends, concerns, and countries around the world, which I hope will be submitted for the record.

Mr. MCGOVERN. Without objection.

Ms. HUANG. Amnesty International has documented the physical attacks, killings, and enforced disappearances of defenders across all regions of the world, and rarely a day goes by without reports of physical attacks against defenders and sometimes their families. These actions, whether committed by state or non-state actors, are a direct attempt to stop the human rights activities carried out by defenders, and they send a chilling message to others in the community that they should refrain from defending human rights.

In the Americas region in 2016, defending human rights remained extremely dangerous. Defenders have been targeted with threats, attacks, torture, and enforced disappearances, and some have been killed by state and non-state actors as a way to silence them. Defenders also faced smear campaigns and vilification, yet there has been very little progress in investigating these attacks or bringing perpetrators to justice.

Human rights defenders and social movements opposing large-scale development projects and transnational corporations were at particular risk of reprisals. Women and indigenous human rights defenders, as well as those from other communities historically excluded, were also targeted with violence. Honduras and Guatemala were the most dangerous countries in the world in 2016 for those defending land, territory, and the environment, with a wave of threats, trumped-up charges, smear campaigns, attacks, and killings of prominent environmental and land activists. You have already highlighted the death of Berta Cáceres in March of 2016.

In Colombia, we have documented a significant increase in the number of killings of human rights defenders since the peace accords have been signed. And this is something, Chairman McGovern, that we have been very grateful to you for your leadership in addressing those. In Peru, Máxima Acuña, a peasant farmer in a legal battle with Yanacocha, one of the biggest gold and copper mines in the region, has faced a campaign of harassment and intimidation in which security personnel have allegedly physically attacked her and her family.

In Cuba, despite claims of more political openness and the reestablishment of relations with the USA, civil society and opposition groups have reported increased harassment of government critics. Human rights defenders and political activists have been publicly described as subversive and as anti-Cuban

mercenaries. Some have been subjected to short-term arbitrary detention before being released without charge, often several times a month.

And here in the United States, Amnesty International is seriously concerned about allegations of excessive, militarized force against indigenous water protectors and their allies at Standing Rock, as well as the recent rash of state laws introduced this year in 20 states across the country that could undermine the right to peaceful protest.

In closing, we have much work to do to support civil society and the critical activism of human rights defenders around the world. We are grateful to have the partnership of the Lantos Commission in this effort, and we would encourage you to undertake the following recommendations:

First, continue to take action for specific prisoner of conscience and human rights defenders' cases through the Defending Freedoms Project, and encourage your colleagues in Congress to do the same.

Second, call for the investigation and prosecution of threats and killings against human rights defenders, and recognize their importance and the role that they play in society.

Third, continue to take the lead on Dear Colleague letters, supporting resolutions, and passing legislation that will protect human rights defenders around the world.

Fourth, vote to protect and to increase U.S. Government funding used by the Department of State, the United Nations, and other institutions to help free prisoners of conscience and support human rights defenders.

And fifth, please stand against any U.S. federal or state legislation or policy that would undermine the right to peaceful protest, expression, or assembly. Thank you for your time.

[The prepared statement of Ms. Huang follows:]

PREPARED STATEMENT OF MARGARET HUANG

Testimony of Margaret Huang, Executive Director of Amnesty International USA

Tom Lantos Human Rights Commission Hearing: Threats to Civil Society around the World
March 21, 2017; 1:00 PM – 2:30 PM; 2255 Rayburn House Office Building

Good afternoon. I would like to thank the Lantos Human Rights Commission and Chairman McGovern and Chairman Hultgren for this important hearing and for inviting Amnesty International USA.

I also want to take this opportunity to acknowledge the critical work of the Lantos Commission in highlighting human rights as a priority for the U.S. Congress. Your work has helped free prisoners of conscience around the world, including doctor Tun Aung in Myanmar; school teacher Soni Sori in India; and human rights defender Nguyen Tien Trung in Vietnam.

You have helped to change lives. But we must work to change many more. As members of the Commission and other panelists have noted, human rights defenders—people who take non-violent action for human rights—are under grave threat around the world. We truly are in a moment of crisis.

Today, almost 70 years after the adoption of the Universal Declaration of Human Rights and 20 years after the adoption of the Declaration on Human Rights Defenders, the space in which human rights defenders work is shrinking and defenders themselves are being targeted, attacked, imprisoned, and killed.

Governments, armed groups, companies, and others in power are taking a range of measures to silence criticism and stop the work of defenders. As those in power seek to protect their interests, they portray those who challenge them as "foreign agents", terrorists, or threats to development, thereby creating divisions between communities. This paves the way for them to attack defenders, ruin reputations, unjustly imprison people, and use violence.

Governments are legislating to restrict the peaceful exercise of human rights, placing obstacles in the way of defenders' work and putting them at greater risk. Such laws ban access to foreign funding for civil society organizations or place hurdles in the way of registration; authorize the use of excessive force or punitive charges against peaceful protesters; or allow for mass surveillance. Day-by-day, the space in which civil society operates shrinks a little more.

Hate speech and the casting of collective blame onto minority groups for real or perceived social ills or economic hardship is on the rise and is creating an environment of hostility. The persistent disregard for international law and standards is also creating an unstable and dangerous environment for defenders.

Defenders often lack access to the information, networks and tools they need to bring about change and keep themselves safe. Many countries lack laws and programs to support their work or protect them from attacks by authorities, companies and, often, their own communities. Those who attack them are rarely brought to justice.

Defenders in all regions and from every walk of life are risking everything to end injustice. We must support them, see ourselves as human rights defenders and recognize our responsibility to protect the rights of all people. In light of this, Amnesty International will launch a global campaign for and with human rights defenders in May. The campaign will seek to support, empower and protect defenders around the world. We will cover a range of themes, including killings; surveillance; the use of laws to shrink space for civil society; and the important role of women human rights defenders.

In the rest of my remarks, I would like to focus on the grave problem of killings and attacks against human rights defenders, particularly in the Americas region. We have submitted a copy of Amnesty International's Annual Report which goes into much greater detail about trends, concerns and countries around the world.

Amnesty International has documented the physical attacks, killings and enforced disappearances of defenders across all regions of the world. Rarely a day goes by without reports of physical attacks against defenders and sometimes their families. The attacks often result in permanent debilitation or death, destruction of homes, offices and computers. These actions, whether committed by state or non-state actors, are a direct attempt to stop the important human rights activities carried out by defenders and are a way of sending a 'chilling' message to others in the community that they should refrain from defending human rights.

When a defender is attacked or killed it is rarely a single event and is more often preceded by a long-term and highly orchestrated series of events of smearing, intimidation, harassment, attacks, and criminalization. In many places, the authorities do not record the crime, or investigate and prosecute those responsible for killings, sending a message to perpetrators that

they will be granted impunity for their crimes, while in parallel sending a message to defenders that the state is not concerned about their right to justice.

In the Americas region in 2016, defending human rights remained extremely dangerous. Defenders were targeted with threats, attacks, torture and enforced disappearances; some were even killed by state and non-state actors as a way to silence them. Defenders also faced smear campaigns and vilification. Yet there was little progress in investigating these attacks or bringing perpetrators to justice. Human rights defenders and social movements opposing large-scale development projects and transnational corporations were at particular risk of reprisals. Women and Indigenous human rights defenders as well as those from other communities historically excluded were also targeted with violence.

Honduras and Guatemala were the most dangerous countries in the world in 2016 for those defending land, territory and the environment, with a wave of threats, trumped-up charges, smear campaigns, attacks and killings targeting environmental and land activists. In March of 2016, the murder of prominent Honduran Indigenous leader Berta Cáceres – who was shot in her home by armed men – highlighted the generalization of violence against those working to protect land, territory and the environment in the country.

In Peru, Máxima Acuña – a peasant farmer caught in a legal battle with Yanacocha, one of the biggest gold and copper mines in the region, over ownership of the land where she lived – won the 2016 Goldman Environmental Prize, a highly respected environmental award also won by Berta Cáceres. Despite a campaign of harassment and intimidation in which security personnel were alleged to have physically attacked Máxima and her family, she stood firm and refused to end her struggle to protect local lakes and remain on her land.

In Cuba, despite claims of political openness and the re-establishment of relations with the USA the previous year, civil society and opposition groups reported increased harassment of government critics. Human rights defenders and political activists were publicly described as "subversive" and "anti-Cuban mercenaries". Some were subjected to short-term arbitrary detention before being released without charge, often several times a month.

And here in the United States, Amnesty International is seriously concerned about allegations of excessive, militarized force against Indigenous water protectors and their allies at Standing Rock, as well as the recent rash of state laws introduced this year that could undermine the right to peaceful protest.

In closing, we have much work to do together to support civil society and the critical activism of human rights defenders around the world. We are grateful to have the partnership of the Lantos Commission in this effort. We would encourage you to:

- **Continue** to take action for specific prisoner of conscience and human rights defender cases through the Defending Freedoms project—and encourage your colleagues in Congress to do the same;

- **Call** for investigation and prosecution of threats and killings against human rights defenders, and to recognize the importance of their role in society;

- **Join** dear colleague letters, support resolutions and pass legislation that will help human rights defenders around the world;

- **Vote** to protect and increase U.S. government funding used by the Department of State, the United Nations and other actors to help free prisoners of conscience, support human rights defenders and open space for civil society around the world;

- **And stand against** any U.S. federal or state legislation or policy that would undermine the rights to peaceful protest, expression or assembly.

Thank you.

STATEMENT OF DOUGLAS RUTZEN, PRESIDENT AND CEO, INTERNATIONAL CENTER FOR NOT-FOR-PROFIT LAW

Mr. RUTZEN. Thank you, Chairman McGovern, and I express my appreciation to you and to Mr. Hultgren for your leadership on human rights issues.

In the early 1990s, I was the legal advisor to the Czechoslovak Parliament, when it was still Czechoslovakia, and my first job was to write the non-profit laws of the country and I was working with a nuclear physicist turned dissident. Our motto at the time was "*všechno je možné*" – anything is possible – and so it seemed. We were riding this wave of democratization. Civil society was associated with the People Power movement in the Philippines, with the political changes in Chile, the struggle against apartheid in South Africa.

But we forgot something that every beach-goer knows: waves eventually break and then they recede. And over time what we have seen is the recession of democracy and human rights, and civil society is caught in a cross current of constraint.

First, the data: In the last five years, 70 countries have enacted restrictions on civil society around the world. Disaggregating the data, 45 percent of the restrictions seek to inhibit the ability of citizens to form or operate a civil society organization or CSO. A third of the restrictions impede the ability of organizations to receive funding from the United States or any other source, and the remainder seeks to target freedom of assembly and social movements.

And we are not talking about modest constraints. We are looking at the situation where governments think they have the right to interfere and intervene in the private decisions of citizens on how they want to make the world a better place.

Consider Bahrain, where under the law of Bahrain, if a citizen wants to establish an association, the government has the right to decide whether or not society needs the organization. Or consider Russia, where under the law in Russia, if a group receives international funding and also seeks to engage in political activities, they have to self-declare themselves a foreign agent. It is roughly modeled on a 1938 law here in the United States, but things got lost in translation. The word "foreign agent" in Russian is the same as the word for foreign spy.

But it is not all bad news. Kyrgyzstan, for example, is considering a Russian-inspired foreign agents' law, and thanks to USAID support, our Kyrgyz partners were able to meet with members of the parliament talking to them about why the law would undermine Kyrgyz stability and national interest. So before the final vote in parliament, the government and the parliament decided that the law would not proceed and they voted down the law in parliament.

And civil society isn't just playing defense. Legislation is loosening restrictions on civil society in countries as diverse as Afghanistan, Bulgaria, Honduras, Iraq, Myanmar, Ukraine, and Tunisia. No law is perfect, but democracy is a process, and the enactment of these laws is a step forward.

Of course, the primary credit for the success belongs to the remarkable

women and men on the front lines in this contest over civic space. At the same time, the international community can and does play an important role helping to develop the expertise of local civil society, legislators, and government officials.

The pioneer in this field was USAID. They recognized that civic space wasn't about the passage of a particular law. It isn't a transactional challenge. Rather it is a transformational challenge, requiring an investment in people and in institutions. And we find this approach applied by other strategic partners, including the Government of Sweden, the Mott Foundation, and the State Department. And we see the impact. Restrictive laws have been prevented, progressive laws have been enacted, and tens of thousands of organizations have room to operate because of these strategic investments.

So as we hear it, it is a pivotal moment. What can Congress do?

A couple of concrete recommendations. First, funding. If the foreign assistance budget is slashed, the administration will need to find areas to cut. Civil society, legal reform projects, don't cost a lot. The median country engagement is $25,000 to $50,000. But I am not sure this administration will prioritize funding for civil society, democracy, and human rights. So if you care about the issues we have been discussing today, we need your help in the appropriations process.

Two, please continue to include legislation and language in laws and resolutions supporting independent civil society. An example is the Brownback Amendment which states that democracy and governance shall not be subject to prior approval by foreign governments.

Three, Congress should conduct oversight of federal agencies and departments to determine the extent to which they support or undermine civil society and human rights. Congress might also conduct fact-finding to see how the administration balances human rights, national security, and defense in particular countries.

Four, Congress should exercise oversight to ensure the administration continues to work multilaterally on these issues of civic space, including through the Community of Democracies, the United Nations including the Human Rights Council, and the U.N. Democracy Fund.

Finally, the world is watching. The world is watching how we deal with dissent, peaceful protest, and non-profits. It is therefore critically important that we lead by example, safeguarding civil society both internationally and here at home. Thank you.

[The prepared statement of Mr. Rutzen follows:]

PREPARED STATEMENT OF DOUGLAS RUTZEN

Threats to Civil Society Around the World
Tom Lantos Human Rights Commission

Testimony by
Douglas Rutzen, President and CEO
International Center for Not-for-Profit Law

Washington, DC
March 21, 2017

Chairman McGovern, Chairman Hultgren, members of the Tom Lantos Human Rights Commission. Thank you for inviting me to testify and for your interest in the legal space for civil society around the world.

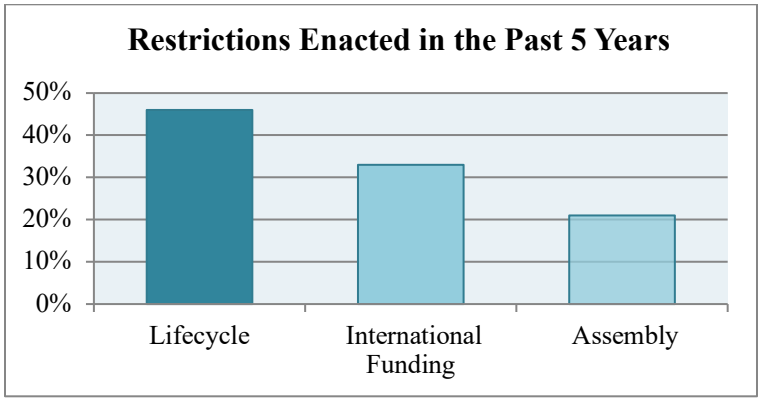
In 1989, I traveled to Prague and met two student leaders of the Velvet Revolution. They were elected to Parliament and invited me to serve as a Legal Advisor in the Czechoslovak Parliament. My first task was to write the nonprofit laws for the country along with a nuclear physicist turned dissident.

Our motto was "*všechno je možné*" - anything is possible - and so it seemed. Civil society was associated with the People Power movement in the Philippines, the Solidarity movement in Poland, the political transition in Chile, and the struggle against apartheid in South Africa. We were riding a wave of democratization. But we forgot an essential fact – waves eventually break and then recede. And now, nearly thirty years later, we see a democratic recession around the world, with civil society caught in a current of constraint.

Global Trends

Since 2012, 70 governments have enacted over 120 legal initiatives restricting civil society and targeting the freedoms of association and assembly. Disaggregating the data:

- Approximately 45% of the initiatives restricted the ability of people to form or operate a civil society organization (so-called "lifecycle legislation");
- Approximately 33% of the initiatives restricted the ability of organizations to access funding from the United States and other international sources; and
- The remaining initiatives targeted the freedom of assembly.



These constraints are affecting all regions and all kinds of organizations. A survey was recently sent to international organizations working on a number of issues, including job creation, infrastructure, food security, humanitarian assistance, human rights, and sustainable development. Ninety-seven percent of the respondents reported that civic space is under threat. Unfortunately,

the contagion of constraints is expected to continue: 42 countries are currently considering new laws to restrict civil society.

Governments have converted the rule of law into the rule by law.

We are not talking about mild bureaucratic burdens on civil society organizations or "CSOs." Governments are using the law to restrict the right of people to work together to make the world a better place. For example:

- In Eritrea, a citizen seeking to establish a relief organization must have access to $1 million. This is the amount the average Eritrean would earn in 750 years.

- In Bahrain, an association can be denied registration (i.e., incorporation) if the government decides that society does not "need" the association. The government has arrested human rights activists who continue with human rights activities without being registered.

- In Cuba, the Criminal Code establishes penalties of one to three months in jail for membership in an unauthorized association, and the penalty is tripled for association leaders.

- In Equatorial Guinea, CSOs are prohibited from undertaking human rights activities and must obtain government approval before joining international networks.

- In Russia, a CSO that receives international funding and engages in broadly defined "political activities" has to publicly identify itself as a "foreign agent," a term which is synonymous with "foreign spy" in Russian.

- In Bangladesh and many other countries, a CSO requires the government's approval to receive funding from a donor in another country.

- In Saudi Arabia, a CSO needs the government's permission to organize domestic fundraising events, even a gala dinner.

- In Belarus, it is a crime to disseminate information "discrediting Belarus."

- In Kosovo, the law requires all CSOs to have a specially trained compliance officer responsible for countering terrorist financing and money laundering, even if the CSO has no budget and otherwise has no staff.

Progress is Possible

As these examples illustrate, the legal framework for civil society is complicated. Incorporation laws, criminal laws, tax laws, "foreign agent" laws, fundraising laws, defamation laws, and counter-terrorism laws all affect the space for civil society. A successful, holistic response requires deep local expertise because, as we all know, sustainable reform must come from the people of each country. The international community can play a supportive role by helping to develop the expertise of local CSOs, lawyers, legislators and government officials. Moreover, many countries are grappling with similar issues at the same time, and the international community can support reform by facilitating information-sharing across countries.

Fortunately, there are thoughtful and strategic partners, including USAID, the Mott Foundation, the Ford Foundation, and the Government of Sweden, that understand this recipe for success. They recognize that civic space is not about the passage of a particular law or a single moment in time. Protecting civic space is not a transactional challenge, it is a transformational challenge. We see the results in a variety of areas: preventing the passage of restrictive legislation, advancing progressive legislation, and providing space for CSOs to operate around the world.

Case Study: Legislation

In-country experts are sometimes able to prevent passage of restrictive laws. For example, Kyrgyzstan was considering a restrictive "foreign agents" law similar to the Russian model. The law passed two readings in the Parliament. Before the third reading, our Kyrgyz staff and other members of civil society met with Parliamentarians and government officials to explain why the law would undermine Kyrgyz national interests and would undermine the stability of the country. The Parliament then voted down the bill. In terms of more progressive legislation, no law is perfect, but legislation loosening restrictions on civil society have been enacted in countries as diverse as Afghanistan, Tunisia, Honduras, Bulgaria, Ukraine, and Myanmar.

Case Study: Navigating Restricting Legislation

Azerbaijan enacted a law that imposed burdensome reporting requirements on CSOs, with fines for noncompliance that could have bankrupted many organizations. Thanks to USAID and our local partners, in 2012, we helped 185 organizations meet the requirements of the new law, and all avoided fines. We then worked with other organizations that were found noncompliant by the Ministry of Finance and subject to fines, and all of the organizations that accepted our partners' advice were able to avoid fines. Enormous challenges remain in Azerbaijan, but I mention this case since we are often asked if anything can be done once restrictive laws are passed. Depending on the country, helping CSOs navigate restrictive legislation can have real impact.

Case Study: Protecting Embattled Civil Society

In some countries, bad things will happen, and civil society will need emergency support. Toward that end, eighteen governments and two foundations support the *Lifeline Embattled CSO Assistance Fund*. Implemented by Freedom House and a consortium of CSOs, Lifeline has helped 1059 organizations in 99 countries and territories. In a recent survey, 95% of the respondents said this assistance allowed them to return to their human rights work.

Recommendations

- *Appropriations and Funding*. 42 countries are currently considering laws to restrict civil society. As stated in a recent Congressional Research Service Report, very little funding is invested in advancing civil society legal reform. Congress should address this issue through the appropriations process, and the starting point is to preserve the budgets of USAID and the State Department.

- *Oversight of Agencies and Departments*. Congress should conduct oversight of federal agencies and departments, including those involved with counter-terrorism, national security, defense, and international trade, to assess the extent to which different parts of the government are supporting – or undermining – the legal space for civil society.

- *Legislation and Resolutions*. Congress should continue to include language supporting independent civil society in legislation and resolutions. An example is the "Brownback amendment," stating that democracy and governance activities shall not be subject to the prior approval by the government of any foreign country.

- *Fact Finding and Dialogue*. Members and staff should continue to meet with civil society representatives in the United States and internationally. Congress might also consider a fact-finding mission to gather information on this issue, similar to the fact finding mission undertaken by staff of the Senate Committee on Foreign Relations in 2006.

- *Engagement with Legislative Counterparts*. Members should engage with legislators on civic space issues bilaterally and through multilateral inter-parliamentary groups such as the Inter-Parliamentary Union and the Community of Democracies' Parliamentary Forum.

- *Multilateral Engagement*. Congress should exercise oversight to ensure that the Administration continues to work multilaterally on civic space issues, including through the Community of Democracies, Open Government Partnership, Extractive Industries Transparency Initiative, United Nations, and the Lifeline Initiative.

- *Leading by Example*. Congress should ensure that laws and policies support civil society and philanthropy both in the United States as well as internationally.

Influencing History

Every generation has its struggle to advance human rights. The legal space for civil society is not simply about the right of citizens to work together to make the world a better place. Fundamentally, this is about freedom and the relationship between states and their citizens. Thank you for inviting me to testify and for your work to help safeguard civic freedom around the world.

STATEMENT OF MARIA J. STEPHAN, SENIOR POLICY FELLOW, UNITED STATES INSTITUTE OF PEACE

Ms. STEPHAN. Co-chairmen McGovern and Hultgren and members of the Lantos Human Rights Commission, thank you very much for organizing today's important hearing on global threats to civil society. I appreciate the opportunity to testify before this Commission, although I should say at the outset that the views I am expressing today are my own and not those necessarily of the United States Institute of Peace.

Mr. MCGOVERN. Mine too.

Ms. STEPHAN. Good, in agreement.

The powerful story that we have heard today is that government crackdowns against civil society are weakening human rights globally and making the world less safe. When governments shut down space for independent civil society, they are excluding key groups, undermining their legitimacy, and making recourse to violence and terrorism more likely. Civil society is being targeted in part because of the effectiveness of organized citizen action in opening political spaces, challenging authoritarian tyranny, and building democracy.

A study that I co-conducted a few years ago examined 323 major violent and non-violent campaigns over the past century, and we asked how often these campaigns have succeeded and why. Our study found that not only have non-violent campaigns been twice as effective as armed struggles in achieving major political goals, but they are also strongly correlated with democratic consolidation and civil peace.

A strong U.S. Government response to closing civic space should engage the wider defense, diplomacy, and development communities focused on the challenges of state fragility, resurgent authoritarianism, and violent extremism, all problems exacerbated by governments' systematic violations of human rights and their suffocation of civil society.

Let me propose a few concrete recommendations to strengthen the USG approach. First, Congress should back the establishment of Closing Spaces Task Forces at the State Department, USAID, and DOD, in order to ensure information exchange, policy, and programmatic coordination.

These Task Forces should work with Members of Congress to identify priority countries where the security risks associated with closing civic space are high, and develop country-specific, multi-year strategies to enable long-term support for civil society and government engagement.

Second, Congress should help ensure that DOD is fully engaged in the fight to defend civic space. Presidential Policy Directive 23 on security cooperation provides the structure to do this. However, security assistance bifurcation within the U.S. Government, and the inability to transfer funds readily between departments, makes it difficult to couple security assistance with efforts to strengthen governance in civil society. Congress should support expanded interagency transfer authorities between DOD, State, and USAID for joint programming.

Third, and this reflects recommendations from other panelists today, in an era of global crackdowns against civil society, funding levels at State, USAID, and the National Endowment for Democracy focused on human rights, democracy, and governance should

be robust. This is necessary to support research on effective responses and to help courageous civil society leaders effectively push back against government pushback.

But how donors provide support, and to whom, really matters. A recent survey of over 1,100 civic leaders from 11 countries that are semi-closed and closed highlighted that civil society groups most benefit from donor funding that is multi-year and that supports their core operations. This type of support allows them to be strategic, flexible, and responsive to local constituencies, rather than shifting from project to project and following donor agendas. This entails pivoting from a project mindset to a movement mindset.

Civil society funding should incentivize cross-issue, cross-sector coalitions involving development, humanitarian, and private sector actors, in addition to human rights and advocacy NGOs. Such coalitions have been particularly effective in pushing back against restrictive laws in places like Kenya and Cambodia. Emergency grants provided through the Lifeline Fund are critically important. So, too, are long term efforts like the Civil Society Innovation Initiative, a public-private initiative cosponsored by USAID which has helped stand up six regional civil society innovation hubs around the world.

State and AID should continue to invest in programs that support constructive engagement between governments and civil society in order to ease tensions, ensure accountability, and reduce the likelihood of government efforts to close civic space. For example, the USIP-implemented justice and security dialogue multi-year program in Nepal involving the police and local communities has demonstrably improved police-community relations, increased respect for the rights of marginalized groups, and reduced violence.

Fourth, Members of Congress should exploit the bully pulpit to condemn restrictive NGO laws and other repressive actions targeting civil society. CODELs meeting with foreign government and security officials can emphasize that vibrant civil societies strengthen state sovereignty and promote greater economic prosperity. They can demonstrate their commitment to open civic space by meeting with diverse civil society actors, including grassroots organizers outside of capital cities.

Fifth, the private sector should be actively engaged. Businesses have a financial interest in protecting civil societies that can hold governments accountable, expose corruption, and advance the rule of law. There are compelling examples from Angola, Pakistan, Cambodia, and Thailand where multinational firms have sided with civil society following government attacks on civil rights. Congress can encourage corporations to follow their values, leverage their networks, and mobilize collective action when governments crack down against civil society.

Finally, the U.S. should continue to press this issue in multilateral forums. The globally-endorsed U.N. Sustainable Development Goals process could encourage development, humanitarian, and human rights actors to jointly adopt benchmarks and indicators related to civic space and make defense of civil society space central to achieving all the SDGs. And I completely agree that the work of the U.N. special rapporteurs, including the Rapporteur on freedom of peaceful assembly and association, should continue to receive strong U.S. backing.

In conclusion, global crackdowns against activists, human rights defenders, and wider civil society threaten core U.S. values and interests. Congress has a critical role to

play to ensure that tools and programs designed to address attacks on civil society are properly funded; that defense programs are properly aligned with this effort; and that the private sector is effectively engaged. They can send a clear message to governments and civil societies overseas that the American people will continue to defend basic rights and fundamental freedoms at home and around the world. Our security, in fact, depends upon it. Thank you very much.

[The prepared statement of Ms. Stephan follows:]

PREPARED STATEMENT OF MARIA J. STEPHAN

United States Institute of Peace

Responding to the Global Threat of Closing Civic Space: Policy Options

Testimony before the Tom Lantos Human Rights Commission

Maria J. Stephan, PhD.
Senior Policy Fellow
United States Institute of Peace

March 21, 2017

Co-Chairmen Hultgren and McGovern and members of the Tom Lantos Human Rights Commission, thank you for organizing this important hearing today on the dangerous global trend of shrinking civic space abroad. I appreciate the opportunity to testify before the Commission. The views I express are my own and not those of the U.S. Institute of Peace, where I am a Senior Policy Fellow. The U.S. Institute of Peace (USIP) was created by Congress in 1984 as an independent, nonpartisan national institute dedicated to the proposition that peace is possible, practical and essential for U.S. and global security.

For the past two decades my research, teaching, non-profit work and U.S. government service have focused on effective alternatives to international violence, notably the ways in which peoples facing injustices and oppression can advance rights, freedoms, and democracy using nonviolent action and civil resistance. As the former co-director of the *Future of Authoritarianism* project at the Atlantic Council, I analyzed the trend of authoritarian resurgence around the world and focused on policy tools to address it.

Closing Civic Space: A Threat to Human Rights, Democracy, and National Security

Closing space for civil society in countries abroad is undermining the ability of citizens to effectively advance human rights, hold their governments accountable, and serve vulnerable communities. The means governments are using to shut down civic space include legal and regulatory tools, extra-legal intimidation

and harassment of activists, public vilification of international aid groups and their local partners, and restrictions on foreign funding to curtail the critical work of independent civil society.[1]

According to the International Center for Not-for-Profit Law (ICNL), since 2015, more than 64 laws have been put forward or enacted by governments that restrict NGOs' ability to register, operate, and receive foreign funding.[2] Meanwhile, the CIVICUS Monitor shows that more than 3.2 billion people live in countries in which civic space is either closed or repressed.[3] The net effect of global crackdowns against civil society is a less safe, secure, and free world.

The brutal murder of Honduran human rights and environmental activist Berta Caceres, who was killed in March 2016 just days before leading a forum on the protection of indigenous land from mining practices, is a blatant (and tragic) example of these types of crackdowns. In Ethiopia, the anti-terrorism law is being used to target journalists, bloggers, human rights defenders and opposition politicians, severely curtailing their freedom of expression and association. In Russia, even an ecological support group that has been running a protected site for cranes has been branded as a "foreign agent" by the Russian legal system.[4] Hungary, once the site of a remarkable nonviolent struggle against communist tyranny, has seen its right-wing government target the independent media and human rights defenders with criminal defamation and excessive administrative and financial pressure.[5]

The closing of civic space is not only affecting human rights and democracy organizations. Respected development agencies, humanitarian organizations, community groups, environmental and educational charities have also been targeted with restrictions. These organizations are involved in anti-poverty activities, peace and conflict resolution work, and efforts to curtail corruption and advance government accountability.[6] In Pakistan, for example, the NGO registration law has had a negative impact on the ability of humanitarian organizations to conduct their work. Kenyan anti-corruption civic groups MUHURI and HAKI Africa have been accused of having links to terrorist groups.[7]

The problem of closing space for civil society is neither new nor is it a short-term phenomenon. Rather, Carnegie Endowment scholar Thomas Carothers notes that it is part of a larger "tectonic shift" that gained momentum in the middle of the last decade, prodded forward by at least two major trends: a shift in power between "the West and the rest" and a growing appreciation by governments of the potency of civil society, which has caused some rulers and regimes to fear losing power.[8] The so-called "color revolutions" in Serbia (2000), Georgia (2003), and Ukraine (2004-05) – which were, in fact, popular citizen responses to defend the integrity of the electoral processes in those countries – combined with more recent Arab Spring uprisings, have only deepened the concern held by elites.

Governments that engage in systematic human rights abuses and civil society crackdowns pose serious threats to national, regional, and international peace and security. As the 2017 Global Risks Report published by the World Economic Forum noted, "a new era of restricted freedoms and increased

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[1] Sarah Mendelson, "Dark Days for Civil Society," *Foreign Affairs,* March 11, 2015; Thomas Carothers, "Closing Space: Democracy and Human Rights under Fire," *Carnegie Endowment for International Peace,* February 20, 2014.
[2] International Center for Not-For-Profit Law, "Survey of Trends Affecting Civic Space: 2015-16", *Global Trends in NGO Law,* Vol 7, Issue 4, September 2016.
[3] Dhananjayan Sriskandarajah, "Under Threat: Five Countries in which Civic Space is Rapidly Closing," OpenDemocracy.net, January 18, 2017.
[4] Funders' Initiative for Civil Society, "Challenging the Closing Space for Civil Society: A Practical Starting Point for Funders," May 2016.
[5] Peter Kreko, "Closing Space in Hungary with a Russian Cookbook," Open Global Rights series, openDemocracy.net, October 28, 2016.
[6] Funders' Initiative for Civil Society, "Challenging the Closing Space for Civil Society: A Practical Starting Point for Funders," May 2016.
[7] "Murder of Kenyan Human Rights Lawyer an Act to Intimidate Human Rights Defenders," CIVICUS News report, July 21, 2016.
[8] Thomas Carothers, "Closing Space: Democracy and Human Rights Under Fire," *Carnegie Endowment for International Peace,* February 20, 2014.

governmental control could undermine social, political and economic stability and increase the risk of geopolitical and social conflict."[9] When governments shut down space for independent civil society they are blocking meaningful participation by citizens in basic governance, excluding key groups from the social, economic, political life of the country, weakening the social contract between governments and their citizens, and making recourse to violence and terrorism as a means of addressing grievances more likely.

This was a central finding of the Fragility Study Group Report co-led by USIP, the Center for a New American Security and the Carnegie Endowment for International Peace and whose final report, entitled *U.S. Leadership and the Challenge of State Fragility,* was published last year. As Carothers noted in his contribution to the report, "When a government shuts down space for civil society it is not just damaging the U.S. interest in democracy and human rights, it is undercutting the U.S. interest in reducing political exclusivity in developing countries, a principal driver of state fragility."[10] The closing of civic spaces weakens the ability of civil society organizations to provide critical services like healthcare, education, and humanitarian aid to local communities. It also undermines their ability to hold governments accountable for dedicating local financial resources to domestic priorities, thereby increasing the aid burden on foreign donors.

For the U.S. government, the closing of civic space threatens both its values and its interests abroad. The United States was founded on principles of life, liberty, and the pursuit of happiness, and Americans believe that all people should enjoy these rights. Free nations with open, vibrant civil societies are more economically prosperous, stable, and reliable partners – and they are less likely to produce terrorists, proliferate weapons of mass destruction, or engage in acts of aggression.[11] Peoples around the world have looked to the U.S. for leadership on issues of human rights, freedoms, and democracy. That power of attraction has traditionally set the United States apart from other global powers, such as China or Russia. This values argument is strongly reinforced by the core national security interest in preventing the rise of regimes that engage in exclusive, repressive policies that undermine their legitimacy and increase the chances of instability and violent conflict.[12]

The Power and Efficacy of Nonviolent Movements

Bottom-up civic coalitions and movements have historically played a seminal role in opening up civic space, challenging authoritarian regimes and in paving the way to democratic consolidation. Nonviolent movements, which are made up of fluid groupings of different actors, including individuals, organizations, and networks, share a common identity and use tactics including marches, vigils, boycotts, sit-ins, strikes, monitoring, and other nonviolent methods. More than ad hoc, uncoordinated protests, social movements display a degree of organization and have change-oriented goals. Their methods are extra-institutional and may involve nonviolent confrontation with power-holders to open up new democratic spaces.[13] Collective citizen action in places such as Colombia, Liberia, Guatemala, Nigeria, and Afghanistan has played a key role in challenging exclusionary, predatory governance and in advancing peace processes.[14]

Historically, nonviolent movements have achieved strategic success even in the most difficult conditions. A 2011 study that I co-conducted examined 323 violent and nonviolent campaigns from 1900-2006 challenging authoritarian regimes and foreign military occupations. The research assessed how effective these methods of struggle were in achieving major goals, even in the face of repression. The study found that not only have major nonviolent campaigns been twice as effective as armed struggles in achieving

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[9] World Economic Forum, *The Global Risks Report 2017,* published ahead of 2017 Davos meeting, January 11, 2017.
[10] Thomas Carothers, "Closing Space and Fragility," *Fragility Study Group* Policy Brief No. 5, October 2016.
[11] Alexander T.J. Lennon (project director), *Democracy in U.S. Security Strategy: From Promotion to Support*, Center for Strategic and International Studies (CSIS) report, March 2009; Mathew Burrows and Maria J. Stephan, (editors), *Is Authoritarianism Staging a Comeback?,* Atlantic Council, 2014.
[12] Andrea Kendall-Taylor, "How Democracy's Decline Would Undermine the International Order," CSIS, July 15, 2016.
[13] Maria J. Stephan, "Adopting a Movement Mindset to Address the Challenge of Fragility," *Fragility Study Group* Policy Brief No. 4, September 2016.
[14] Ibid.

major political goals, they were also far more likely to usher in democratic transitions 10 years after the end of the campaign.[15] More recent political science research has found that nonviolent resistance increases the odds of successful democratic transition and is beneficial for the subsequent development of democracy.[16]

The skills inherent in building broad-based coalitions, finding common ground, tolerating differing viewpoints, and self-organizing are critical to democratic development. Organized civic campaigns and movements have also been key to advancing policy changes in areas like the environment, anti-corruption, and women's rights.[17] "People power" campaigns targeting systemic corruption in places like South Korea, Kenya, Guatemala, Afghanistan, and Romania have been particularly innovative and effective at achieving governance improvements in recent times.[18]

We are, in fact, living in the most contentious period in human history. Democracy scholars report a significant rise in the number of global protests around the world since the second half of the 2000s. The list of countries hit by major protests since 2010 includes more than 60 states that span every region of the world.[19] The 2010-2013 period saw the onset of more nonviolent campaigns than happened in the entire decade of the 1990s.[20] This rise in global protest activity reveals growing popular mistrust of established political institutions and actors. Yet, troublingly, at the same time that citizens are increasingly challenging established practices, the space for citizens to organize and mobilize has shrunk. This shutdown in nonviolent pathways for constructive engagement and dissent is one of the most concerning aspects of the closing of civil society space around the world.

Policy Reponses

The closing of civic space is a multi-faceted problem that requires a long-term, multi-dimensional U.S. government response. The U.S. government approach should necessarily be tailored to the country context, informed by variables like the degree of openness of the society, the history and nature of bilateral and multilateral relations with the countries, and – perhaps most importantly - the perspectives of diverse local civil society voices. Civic space rightly concerns those parts of the U.S. government, including Congress, that focus on advancing human rights and democracy. To strengthen the overall U.S. government response, however, this challenge should actively engage members of the wider defense, diplomacy, and development communities focused on the challenges of state fragility, resurgent authoritarianism, and violent extremism, which are problems exacerbated by governments' systematic violations of human rights and their crackdowns against civil society.

High-level Coordination, Decentralized Task Forces: The National Security Council should continue to support coordination to ensure that the inter-agency, including State, USAID, the Department of Defense, the Treasury Department (through its role in the Financial Action Task Force), and the Department of Labor are held accountable to ensuring that their practices are protecting civic space. Closing spaces task forces should be established at the State Department, USAID, and DoD to ensure intra-agency and cross-agency information exchange, policy and programmatic coordination. These task forces should work with members of Congress to identify priority countries where the risk of state fragility linked to systematic human rights violations and closing civic space is high. They can help ensure that governments are not abusing counter-terrorism policies to target and repress legitimate civil society organizations and entities. They could devise country-specific strategies, linked to multi-year funding

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[15] Erica Chenoweth and Maria J. Stephan, *Why Civil Resistance Works: The Strategic Logic of Nonviolent Conflict,* Columbia University Press, 2011.
[16] Felix S. Bethke and Jonathan Pinckney, "Nonviolent Resistance and the Quality of Democracy," The Varieties of Democracy (V-Dem) Users Working Paper Series, No 3, July 2016.
[17] Marie Principe, "Women in Nonviolent Movement," USIP *Special Report* #399, January 2017.
[18] Shaazka Beyerle, *Curtailing Corruption: People Power for Accountability and Justice,* Lynne Rienner Publishers, 2014.
[19] Thomas Carothers and Richard Youngs, "The Complexities of Global Protests," Carnegie Endowment for International Peace Report, October 8, 2015.
[20] Erica Chenoweth, "Trends in Civil Resistance and Authoritarian Responses," in Mathew Burrows and Maria J. Stephan (Editors), *Is Authoritarianism Staging a Comeback?* Atlantic Council, 2014.

ensured by Congress, which would enable long-term support for civil society and government engagement in those priority countries.

Linking Security Assistance to Civic Space: Congress should work to ensure that the Department of Defense and other security actors are fully engaged in the fight to defend civic space. Presidential Policy Directive 23 (PPD 23) on security cooperation provides the structure to bring institution-building, rule of law, and respect for human rights (including the rights to peaceful assembly and association) together with training and weapons provision. In reality, PPD-23 has not been implemented. A closing spaces task force in the Defense Department could apply Millennium Challenge Corporation (MCC)-like benchmarks established by organizations like ICNL and the global civic watchdog organization, CIVICUS, to inform security assistance programming. The USG-led "Security and Democracy Dialogue," launched last year in the context of the US presidency of the Community of Democracies, offers a space to discuss the issue of closing spaces with close allies (including NATO partners) and their militaries.

Currently, security assistance bifurcation within the U.S government, and the inability to transfer funds readily between departments makes it difficult to couple security assistance with efforts to support good governance and strong civil societies. Congress should support expanded interagency transfer authorities for joint programing in priority countries where closing civic space is intensifying state fragility and exacerbating security concerns. The 1207 Security and Stabilization program offers lessons in how to do this. Efforts should be encouraged, where appropriate, that enable funding transfers between the Defense Department, State, and USAID for specific challenges.

Existing interagency security cooperation programs like the Security Governance Initiative (SGI), a joint endeavor between the U.S. and six African partners focused on improving security sector governance and capacity to address threats, and Defense Institution Building (DIB) efforts that aim to help partner-nations build effective, transparent, and accountable defense institutions should be expanded and strengthened to incorporate greater focus on rule of law and civil society's role in advancing government accountability and responsiveness. Police and law enforcement agencies should be included in programs like SGI and DIB, given their outsized roles in engaging with civil society actors. Civil society participation should be an integral aspect of these programs' design, implementation, and evaluation.

Bolster Democracy and Governance Efforts, Apply a Movement Mindset: To effectively address the challenge of closing civic space, the funding levels at State, USAID, and the National Endowment for Democracy (NED) focused on human rights, democracy, and governance should be increased, or at least maintained. This is necessary to support research on effective responses to closing civic space and to help diverse civic actors – activists, bloggers, investigative journalists, labor and trade unions, professional associations, youth and women's groups and formal NGOs – push back against government pushback. These civic actors' work in documentation, advocacy, organizing and mobilization are critical components of an effective pushback.

A survey of over 1100 activists, human rights defenders, and civil society leaders from 11 different countries conducted in 2016 by the non-profit organization, Rhize, and funded by Open Society Foundations and the Atlantic Council highlighted the importance of donor-funded activist exchange programs to improving the knowledge and skills of these actors. The survey, entitled "Understanding Activism"[21], also revealed that funding for civic groups can be a double-edged sword. Funding linked to strong donor agendas and that comes with heavy bureaucratic requirements was generally deemed unhelpful by survey respondents. On the other hand, multi-year core funding for civic groups was assessed favorably, since it allowed these groups to be more focused, strategic, and constituency-driven in their

[21] Rhize report (May Miller-Dawkins, author), "Understanding Activism: How International NGOs, Foundations and Others Can Provide Better Support to Social Movements." Report based on survey conducted by Rhize, with the support of The Atlantic Council as part of the latter's *Future of Authoritarianism* project co-directed by Mathew Burrows and Maria J. Stephan. Forthcoming, 2017. The survey was conducted in 2016 with 1107 activists, journalists, NGOs workers, and other civil society members from Colombia, Egypt, India, Kenya, Russia, Sudan, Turkey, Ukraine, and Venezuela.

work. Flexible funding mechanisms that allowed civic groups and movement to expand their outreach, respond to opportunities, and adjust to fluid environments, were deemed particularly helpful.

Reinforcing some of the survey findings, UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, recently called on donors to shift funding away from short-term civil society projects and towards "struggles for social justice".[22] Whereas most donor funding goes to large, high-profile NGOs, local civil society organizations receive just .2% of official development assistance, according to a 2015 study by CIVICUS.[23] Donor practices that encourage local civil society partners to be more accountable to them than to their constituencies, that create dependencies and that discourage coordination between various civic actors are contributing to the problem of closing civic space and should be abandoned.

On the other hand, the State Department and USAID, along with the NED, should be empowered to provide multi-year capacity-building grants to local civic actors, including independent media, investigative journalists, and legal reformers. This funding should support initiatives that build bridges between service providers and human rights groups, and between traditional NGOs and grassroots actors with strong ties to local communities. Their grants should encourage coordination, nuts-and-bolts organizing, and collective action.[24] There is evidence that cross-issue, cross-sector coalitions involving development, humanitarian, private sector actors – in addition to human rights and advocacy NGOs - have been particularly effective in pushing back against restrictive civil society laws, in places like Kenya and Cambodia.[25]

Donors like the State Department and USAID should invest in long-term security of activists and NGOs by investing in digital security, data protection, and legal protection. State Department-led multi-donor programs like Lifeline Embattled Civil Society Organizations Assistance Fund, which helps embattled CSOs with emergency assistance and provides advocacy grants to CSOs, should continue to receive strong support. (HAKI Africa, a Kenyan CSO focused on anti-corruption, received Lifeline support after the Kenyan government accused them of supporting terrorism. The Lifeline funds helped them access a safe house and keep operating.) Ideally the Lifeline Fund is supplemented with a flexible funding mechanism specifically targeting movement actors. The Civil Society Innovation Initiative (CSII), a public-private initiative co-sponsored by USAID and the Swedish International Development Agency (SIDA) which has helped stand up 6 "regional civil society innovation hubs" around the world in an effort to foster information exchange, peer learning and the bridging of closed and open spaces, would benefit from seed funding to help the hubs achieve self-sustainability. In general, U.S. government support to civil society would benefit from an approach that moves from emergency response to multi-year funding.

Of course, there are serious risks associated with public donors, like the State Department and USAID, providing direct support to activists, unregistered groups, and movements that challenge power dynamics in a society. They are right to be concerned about governments' reaction to support for groups that could be perceived as confrontational or "oppositional" and that could jeopardize other programs inside the country. "Do no harm" should be a foundational principle for donors. How that principle is implemented, practically, should be determined on a country-by-country basis in consultation with local activists and civil society leaders – those in the best position to know when, and which types of support will be helpful or harmful.[26]

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[22] Maina Kiai, "From Funding Projects to Funding Struggles: Reimagining the Role of Donors," *OpenDemocracy.net,* January 17, 2017.
[23] CIVICUS, "The State of Civil Society Report, 2015." http://civicus.org/images/StateOfCivilSocietyFullReport2015.pdf.
[24] Edwin Rekosh, "To Preserve Human Rights, Organizational Models Must Change," Open Global Rights series, openDemocracy.net, November 28, 2016.
[25] International Human Rights Funders' Group (Contributors: Julie Broome, Sigrid Rausing Trust; Iva Dobichina, Open Society Foundations; Poonam Joshi and David Mattingly, Fund for Global Human Rights; and Tim Parritt, Oak Foundation), "Closing Space for Civil Society and Cross-Border Philanthropy, IHRFG, October 20, 2014.
[26] Maria J. Stephan, Sadaf Lakhani, and Nadia Naviwala, "Aid to Civil Society: A Movement Mindset", USIP Special Report, February 23, 2015.

While private foundations are typically better positioned than public donors to provide aid flexibly, the State Department and USAID can use civil society funding to build bridges between grassroots actors on the frontlines, professional NGOs, and government reformers. CSII has the potential to support this approach. The State Department's Democracy, Human Rights and Labor and USAID Democracy, Human Rights and Governance would benefit from funding to support multi-year research that analyzes the causes of closing civic space and the most promising pathways to addressing the challenge in different countries. Congressional reporting requirements for civil society funding should incentivize flexible programming and monitoring and evaluation approaches that ensure accountability while allowing local partners to lead and assume ownership.

Bring Civil Societies and Governments Together: U.S. government funding dedicated to human rights, democracy, and governance should support efforts that promote constructive working relationships between governments and civil society. Such programs that broker collaboration can help lower the temperature between government and civil society, result in better governance outcomes, and reduce the likelihood of government efforts to close civic space. For example, the USIP, State Department, and USAID-funded and USIP-implemented Justice and Security Dialogue (JSD) program involving the police and local communities in Nepal have demonstrably improved police-community relations, increased respect for the rights of marginalized ethnic and caste groups, and reduced violence at the community level.[27]

Use CODELS and STAFFDELS to Defend Open Civic Space: Beyond their purse-string powers, members of Congress and their staffers have other tools to promote an enabling environment for civil society around the world. They can make statements condemning the enactment of restrictive NGO laws and/or repressive actions targeting civil society. Such statements by diplomats and foreign governments were generally received favorably by the civil society respondents in the "Understanding Activism" multi-country survey.[28] Members of Congress can acknowledge governments that take the right steps to ensure the safety of their citizens while protecting open civic space. They can, where appropriate, single out the courageous work of human rights defenders, activists, and civic leaders who take great risks to defend civic space in their countries. In meetings with foreign government officials in countries that have enacted or are considering enacting restrictive laws and regulations, Congressional delegations (CODELS) can emphasize that vibrant civil societies strengthen state sovereignty and promote greater investment and economic prosperity. They can make it clear that security assistance programs are contingent upon the protection of human rights and civic space.

Reward Effective Diplomats and Development Practitioners: To demonstrate the seriousness of this issue, the State Department and USAID should incentivize efforts by diplomats and development practitioners to protect and expand civic space. A large number of respondents in the "Understanding Activism" survey noted their frustration with foreign governments that fail to hold other governments accountable to their obligations under human rights treaties and supervised agreements. While context is important in determining the likely impact of public statements by foreign diplomats (and Members of Congress) focused on human rights, in general activists appreciate acts of diplomatic solidarity on these issues, particularly when such actions involve diplomats from multiple countries.

Both the State Department and USAID should align the launch of initiatives that support open civil society to annual performance reviews so that excellent efforts by individual diplomats are reflected and rewarded in career evaluations. Embassy country teams that coordinate across diplomatic, aid, and security portfolios based on the country team's shared assessment of the closing space situation should be lauded. High-profile "Champion of Civic Space Awards" could be bestowed annually on junior and senior diplomats and development practitioners who demonstrate courage and creativity in supporting civil society and

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[27] Peter Bauman, Sarah Hanssen, and Shobhakar Budhathoki, "Post-Program Close down Impact and Sustainability Evaluation of the JSD Program in Nepal," Bauman Global report, March 17, 2017.
[28] Rhize report (May Miller-Dawkins, author), "Understanding Activism: How International NGOs, Foundations and Others Can Provide Better Support to Social Movements." Forthcoming, 2017.

defending civic space. This could be modeled on the Mark Palmer Prize that the Community of Democracy awards bi-annually to recognize diplomatic efforts on behalf of civil society.

The *Diplomat's Handbook for Democracy Development Support*[29], which contains a toolkit and case studies of effective diplomatic engagement with civil societies and governments in transitioning countries, should be fully integrated in diplomatic training at the Foreign Service Institute. FSI should receive adequate funding to ensure that its training addresses the challenge of closing civic space and includes practical ways diplomats should respond. Both the Diplomat's Handbook and its military counter-part, *Military Engagement: Influencing Armed Forces Worldwide to Support Democratic Transitions*[30], which focuses on how military-to-military activities can support respect for human rights and democratic principles in partner militaries (in non-democracies), should be integrated in partner training institutes. DoD resources for curriculum development and instruction should be dedicated to that end.

Engage the Business Community: The private sector has a critical role to play in defending civic space around the world. Not only do their investments constitute significant leverage vis-à-vis governments, but some governments may be more willing to listen to businesses than to civil society. Businesses have a financial interest in protecting civic space, so that civil societies can hold governments accountable, expose corruption, and defend the rule of law. There are compelling examples from Angola, Pakistan, Cambodia, and Thailand where multinational firms sided with civil society following government attacks on civil rights.[31] American Chambers of Commerce in different countries should be invited to participate in closing spaces conversations and initiatives, which can be encouraged by members of Congress. Trade treaties and aid agreements should be drafted to include clauses on the imperative of protecting civic space.

Congress can furthermore encourage multi-national firms to follow their values, leverage their networks, and mobilize collective action when governments crack down on civic actors and human rights defenders.[32] They can hold to account corporations that are benefiting from the closing of civic space, including technology firms that sell cyber-surveillance tools to governments that are demonstrably cracking down on civil society.[33] CODELs can encourage meetings involving local civil society and private sector actors to discuss ways to address closing civic space in key priority countries.

Engage Multilateral Partners, link to Sustainable Development Goals: There is no way for the U.S. government to address the challenge of closing civic space alone. It should continue to assume a leadership role in highlighting this issue in multi-lateral forums and mechanisms like the Community of Democracies, the Open Government Partnership, and the UN Human Rights Council, and actively engage with regional organizations like the Organization of American States (OAS), the Inter-American Commission on Human Rights, the African Commission on Human and People's Rights, the Organization for Security and Cooperation in Europe (OSCE), the Association of Southeast Asian Nations (ASEAN) on this issue. The New Deal for Engagement in Fragile States is another multi-lateral forum where the issue of closing civic space could receive much greater attention.

The U.S. government should use the internationally-endorsed Sustainable Development Goal (SDG) process at the UN to encourage development, humanitarian and human rights actors to jointly adopt benchmarks and indicators related to civic space, and make defense of civic space central to achieving all the SDGs. SDG 16 and 17, in particular, relate to the civil society environment.[34] Using the SDGs is a way

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[29] Jeremy Kinsman and Kurt Bassuener, *A Diplomat's Handbook for Democracy Development Support* (Third Edition), Ontario, Canada: Centre for International Governance Innovation, 2013.
[30] Dennis Blair (Editor), *Military Engagement: Influencing Armed Forces Worldwide to Support Democratic Transitions* (Volumes I and II), Washington, DC: Brookings Institution Press, 2013.
[31] Charities Aid Foundation report, "Beyond Integrity: Exploring the role of Business in Preserving Civil Society," 2016 report. https://www.cafonline.org/about-us/publications/2016-publications/beyond-integrity-report.
[32] Funders' Initiative For Civil Society, "Challenging the Closing Space for Civil Society: A Practical Starting Point for Funders," May 2016.
[33] Washington Post, "Repressive Governments Using US-Made Spy Technology," December 30, 2011.
[34]Sustainable Development Goal 16 is: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all, and build effective, accountable and inclusive institutions at all levels. Goal 17 is: Strengthen

to break down sector silos while focusing on the universality of threats to civic space around the world. The Civic Space Initiative (CSI), a consortium of NGOs, has specifically focused on ways to practically integrate civic space in the SDGs, which would be particularly relevant for the State Department and USAID.

Finally, the work of the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association has been critical in shining a spotlight on the issue of closed civic space and in proposing solutions. The Special Rapporteur's mandate, and those of other Special Rapporteurs focused on particular violations of human rights (freedom of speech, forced disappearances, torture) should continue to receive strong U.S. government backing.

Conclusion

Global crackdowns against activists, human rights defenders, and civil society threaten core U.S. values and interests. This is a long-term challenge that requires thoughtful, coordinated, and coherent U.S. government and global responses. Congress has a critical role to play to ensure that tools and programs designed to address attacks on civil society are properly funded, that security assistance funding and programs are properly aligned with this effort, and that the private sector is effectively engaged. They can use statements and meetings with foreign leaders and civil society members to elevate the issue of closing civic space and send a clear message that the American people will continue to defend basic rights and fundamental freedoms around the world. Our security, in fact, depends on it.

The views expressed in this testimony are those of the author and not the U.S. Institute of Peace.

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the means of implementation and revitalize the global partnership for sustainable development. This goal includes two relevant sub clauses: 1. Encourage and promote effective public, public-private and civil society partnerships, building on the experience and resourcing strategies of partnership and 2: Mobilize additional financial resources for developing countries from multiple sources (this means private funders). http://www.un.org/sustainabledevelopment/sustainable-development-goals/.

Mr. MCGOVERN. Well, thank you very much. I want to thank all of you. We have a short period of time before they are going to throw us out of the room, but I wanted to get your comments on a few issues if I could.

Let me just say at the outset, you know, I think a lot of us were jarred by the President's budget, and specifically some of the cuts in the State Department. But I think and I am hopeful that, you know, that is not going to be the reality. You know, because I have talked to Hal Rogers, the chairman of the Foreign Ops Appropriations Committee, I think he also was a little bit jarred by that budget.

I think there is a bipartisan group, well, I would say consensus, in hopefully the House and Senate, that, you know, diplomacy is important; that funding State Department functions are important; funding USAID is important; funding human rights work is important. So, you know, we will wait and see, but I am not ready to jump out the window yet.

And I think it is important that people like you especially are talking to Members about the importance to make sure we have a robust budget for the State Department, how important that is for promoting civil society, especially in places where civil society is being, you know, has come under attack.

But, and I don't know, you know, I am not quite sure what this administration's policies are going to be, but I would be curious to get your opinion, you know, based on kind of past performance. I mean, for example, I mean, do you think that our embassies are active enough in standing up when civil society is under attack in various countries around the world? I mean, is that – you know, I have always felt that our human rights officers could do more. They could be present in more places.

But I would be curious if you were to give a grade to, you know, our people on the ground in these countries, how would you characterize it? Let's go right down – yes.

Mr. RUTZEN. Thanks. I would say that the embassies are active, diplomats are engaged, but I would suggest that this is fundamentally a development issue, not a diplomatic issue. Once it reaches the stage of diplomatic engagement, it is much harder in our 30-year experience working on this, to affect any change. That what we really need to do is invest in a deep development approach like we see, for example, with USAID, where you develop the capacity of local parliamentarians, civil society, and government officials so that they can own the process and sustain reform.

Ms. TUCKER. Sure, I would agree with that. And I recall one of my recommendations regarding USAID in Central and Eastern Europe. Unfortunately, the process of development of these political institutions is not necessarily one from which any country, including the United States, can graduate. It is not a process that you complete and move onto something else.

And so it is particularly important to focus not just on building them in new democracies, but the important and ongoing work of funding, strengthening, and continuing to make sure that the foundation is solid over time.

Ms. HUANG. Thank you, Chairman. I think there is no question that the human rights reporting of the State Department has improved over the years. I think the quality of reporting can vary according to the officer who is responsible in each country.

Mr. MCGOVERN. Right.

Ms. HUANG. But I will note that having those discussions in-country with civil society actors in those countries creates a space and an opportunity both for those

activists as well for the U.S. to learn from what is happening from people on the ground. So I think the process itself has proven to be really valuable.

I just wanted to note one other comment to your point about the budget and the potential cuts that we are considering and hearing about. I think I recently had the opportunity to meet with Secretary General Guterres at the U.N., and there is no question that there is widespread concern about the potential for U.S. budget cuts for the contribution to the U.N. system.

Aside from losing the valuable perspectives of folks like our friend Maina Kiai and the special rapporteurs system, there are many other functions of the U.N. that the U.S. could never hope to replicate as an individual country; the response to the global refugee crisis is one great example. And so that is a place where we have particular concerns about potential cuts and would encourage Congress to take a very close look at it.

Mr. MCGOVERN. I share your concern.

Ms. HUANG. Thank you.

Ms. STEPHAN. Well, let me just say as one who has worked with some amazing foreign service officers, diplomats, over my career that you know there are such a large number of FSOs that are deeply committed to issues of human rights and democracy. I think where there is a challenge sometimes at embassies, which is where really interagency coordination happens in practice, is sometimes you have conflicting portfolios and there is not always coordination that is happening between the diplomatic, aid, and security portfolios. So if anything, that type of coordination at post could be emphasized and rewarded. And I think one of the small recommendations I made in my testimony is really rewarding those courageous diplomats and development practitioners who put their careers on the line to focus on protecting and defending civic space. Award them annually, have that reflected in their career evaluation. So I think there are small things that can be done to incentivize even more great work.

Mr. MCGOVERN. No, I appreciate that. I think it is a good suggestion. I would raise the question because sometimes I get the feeling that if you are career officer, that you get rewarded for not making waves, not necessarily for making waves. And sometimes that means that you don't, you know, I mean I agree. Some of the finest people I have ever met are in our Foreign Service and serving overseas. But sometimes I have been frustrated by what I have felt as kind of containment rather than, you know, trying to push, move the ball forward.

I also agree that, you know, investing in development early on, in developing, you know, a strong civil society early on, is important in maintaining that. And when you were saying that I couldn't help but think of two countries I have been involved with over the years, one is El Salvador during the 1980s, and now Colombia.

You know, a lot of us worked very hard to try to change our policy in El Salvador and push for a peace process. We pushed for a peace process and then we kind of walked away. I mean, we funded the war, but we didn't fund the peace. And then you look at the results today. I mean some of the same problems that led to the war are still in place: impunity, a judicial system that doesn't work. Again, you know, random killings, a lot of them politically motivated, and, you know, we still have the same old problems.

In Colombia, we have all worked very hard. I mean, we funded that war for a long, long time. And now you have a peace and with some pretty lofty goals as part of

the peace accords. But if they are not funded and, you know, if we are not committed to it, and the international community is not committed to it, then it is just words, because it won't become a reality.

So, you know, unfortunately none of this is for free. But I always think if you are willing to, you know, invest in wars, you know, maybe you could invest in peace. And, you know, it is a radical idea, but sometimes the results are better in the longer term.

I am just trying to, you know, we do a lot of stuff here that I don't know whether it is effective or not. I mean, we have the prisoners of conscience campaign where we adopt, we all adopt a prisoner of conscience and we take ownership and we do speeches, we do letters and, you know, I think that has helped in a lot of ways. But there is some things we do that I think it is like we are going through the motions, that maybe is not as effective as we would like.

I guess, what do you think are the most effective things that we can do in Congress? I mean, you know, passing legislation is one thing. Again, it depends on the country and whether there is consensus or whatever. But in terms of responding immediately to crackdowns on civil society, is it calling the ambassador into our offices? Is it giving a speech on the House floor? Is it introducing a resolution that may or may not go anywhere? Is it visiting the country? Is it – what do you think are the most effective things that we can do in response to crackdowns?

Ms. STEPHAN. I mean, I think it varies by country what are the most effective tactics going to be. Sort of the megaphone diplomacy is going to be incredibly effective in certain places where governments care about their public images and where we have very strong aid and security relationships. Other places it may be less advisable to be outspoken.

But what I know through interaction with activists is that they appreciate strong, bold statements by policy-makers, public officials, when there are human rights crackdowns. And so I think it is hard to generalize, but strong public statements matter.

And then as someone who supported CODELs overseas, I know how important it is –

Mr. MCGOVERN. Right.

Ms. STEPHAN. – when Members of Congress and their staffers meet with civil society leaders, labor unionists, artists, and the like, but they diversify. They don't just meet with the same five people in the country every trip who speak perfect English. They get out and see where change is happening and can hear from different perspectives. So I think those two things matter a lot.

Ms. HUANG. Thank you so much for the question. And I think there is no doubt in my mind and certainly in the mind of Amnesty International that the work that you and others have done on the Defending Freedoms Project has made a really significant difference for a lot of individual cases.

I agree with the comment that it will vary according to the country and the effectiveness of public shame on any particular government administration. But I also think what is important to underline is that addressing an individual case will always have much greater ramifications than just the case of that person. And there is no question that other activists in the country take heart when they see advocacy on behalf of an individual who has been targeted, that they also celebrate when that person wins release from their incarceration, and that it gives them inspiration to keep doing the work.

So while it is important for the individual on whose behalf you are advocating, there is no question that there are larger ramifications, and that also gives a lot of opportunity for organizations like mine to speak out about the importance of using those cases to make longer-term change. So for us this is a really critical strategy for us to embrace. Thank you.

Ms. TUCKER. I would agree strongly what has just been said by both of my co-panelists. I would also point to the importance of the demonstration effect of the United States. As we heard earlier in the first panel, it is very important that the United States, regardless of the political moment, makes very clear that we stand for democracy and human rights here and around the world.

And any time that politicians engage in nationalist rhetoric, or seem to align themselves in some way with forces like, that whether it is in the United States, across Europe, or anywhere else, it needs to be very clear that we consider that unacceptable and fundamentally antithetical to the development and the protection of the democratic fabric.

Mr. RUTZEN. One, reach out to legislators. We often just focus on government officials or civil society and we forget the important role of parliaments, and I think there is a way to multilateralize it. I know that you often receive delegations from like-minded governments and I think we might be able to multilateralize parliamentary engagement with other governments.

And then, finally, oversight of other agencies and departments. We often work cross-purposes specifically when it comes to issues of national security, counter-terrorism, and even trade. So I think there might be a way that we have a whole-of-government approach to try to advance many of these issues.

Mr. MCGOVERN. Well, I think that is a good point. And interestingly enough, we just recently met with a group of Canadian parliamentarians who were down here trying to figure out how to coordinate on human rights work. We met with a group of parliamentarians from the U.K, same thing. I mean so, you know, they are actually approaching us and trying to figure out how we can coordinate things better.

But let me close with this, because next week is Tibet Lobby Week, and it is one of these issues that has really troubled me for some time, is our inability to make any progress in influencing China's behavior on Tibet. I mean, again, we talk the talk, we issue statements, we do all that kind of stuff. But yet, the Government of China continues to destroy religious sites, forcefully move people out of Tibet to other regions so they can disperse the Tibetan population, make it difficult to practice their religion, speak their language, have their, you know, celebrate their culture and their traditions.

You know, we are working on a reciprocity bill because I think the statements in and of themselves haven't been enough. But basically, you know, I'll give the Government of China credit – a year and a half ago they let some of us visit Tibet. I am not sure any other delegations have been able to visit since, and prior to that I think it was almost a decade before any U.S. delegation visited Tibet.

But the deal is this, you know, as a way to kind of pressure them on respecting the rights of civil society, is to say look, you know, we are going to treat you like you treat us. So if you don't let journalists and diplomats and people go to Tibet, you know, then don't expect to come here and go anywhere you want to go. That there is a consequence for that.

I mean, the reason why I raise this, we are trying to think a little bit out of the box here on things that might be effective but targeted, you know that wouldn't hurt regular people, but as a way to try to show that this is serious. Because I mean I have been through Republican administrations and Democratic administrations and nothing has changed.

And so I would just be curious as a last question, because I just got a note that we have to be out of here by 3:00, you know, any recommendations, and how do you approach a situation like the way the Chinese treat the Tibetans?

Ms. HUANG. Thank you, Chairman. You know, one of the greatest hopes we have for improving human rights in China is the movement inside China for human rights, and there is no question that the crackdown on human rights lawyers is having some significant impact. It is a little bit of an indirect way, but I would just note that the more support that you can provide to the human rights lawyers who are being prosecuted and harassed by the Chinese Government, the greater the support for the movement indigenously.

Mr. MCGOVERN. When we were in Beijing we met with some of them.

Ms. HUANG. Exactly.

Mr. MCGOVERN. But they had a good criticism because the U.S. embassy arranged it before a reception and they came in the back door and met with us and then left through the back door. And their kind of point was, you know, why are you doing this because they all know we are here anyway.

Ms. HUANG. Exactly.

Mr. MCGOVERN. But I think it is not just meeting with them, it is how you meet with them, right. Right.

Ms. HUANG. Exactly, thank you.

Ms. STEPHAN. Yes, and I would just say this may be an area too where some civil society funding would be helpful to work with the activists –

Mr. MCGOVERN. Right.

Ms. STEPHAN. – and civil society leaders to help them better organize, advocate, extend their outreach so they are working with lawyers inside China and other human rights, because there is going to be a link between activism and organizing inside Tibet and organizing and activism inside mainland China.

Mr. MCGOVERN. Right.

Ms. TUCKER. I would add, Freedom House has produced the China Media Bulletin for many years now, and we have found in our efforts at Chinese language dissemination that there is a huge marketplace for these kinds of projects, real research produced in Chinese language that can be disseminated online for people who are interested within China to really know about what is happening.

So I would keep in mind that audience in terms of funding, and also the audience of Chinese students who are here in the United States who are learning more and more about what might be happening in their home country that they weren't aware of at the time. So any efforts to focus on them and direct information and research to them so they can really understand from a non-biased perspective of what is happening would be particularly helpful.

Mr. RUTZEN. I think it reinforces the point that it is a long game and sometimes we are not going to be able to achieve any kind of short-term results in governments to

foundations. What is fascinating about it is 95 percent of all the groups that received emergency support under the Lifeline initiative said that it enabled them to continue to do human rights work, so I think we have got to move to a protective approach.

Mr. MCGOVERN. Well, thank you. I just want to say one thing about, you know, you mentioned that Chinese students or foreign students in general that come here which I think is a great opportunity for people to understand kind of our perspective on things and then they go back to their respective countries.

Although I would just tell you as an aside, with some of the rhetoric on immigration that has gone on here, what I am hearing from a lot of college presidents, university presidents, is that the number of foreign students that normally would come here from every part of the world, I mean not just troubled parts of the world, but every part of the world, are diminishing because people are wondering whether they are going to be welcome here, which is kind of an unfortunate by-product of all the stuff that has gone on.

But look, I appreciate all the work that you do and I hope that you will, obviously we will stay in touch, but this has been very, very helpful. And we are going to continue to try to find new and innovative ways to make the case to support civil society. And again, I thank you for your time and I apologize for the interruption and all the other stuff. So thank you. Bye.

[Whereupon, at 3:02 p.m., the Commission was adjourned.]

APPENDIX

MATERIAL SUBMITTED FOR THE HEARING RECORD

Tom Lantos Human Rights Commission Hearing

Hearing Notice

Threats to Civil Society Around the World

March 21, 2017
1:00 PM – 2:30 PM
2255 Rayburn House Office Building

Please join the Tom Lantos Human Rights Commission for a **hearing** on threats to civil society around the world.

A healthy and functioning civil society is vital for human rights and democracy everywhere. Civil society organizations (CSOs) play a crucial role in realizing the rights protected in the Universal Declaration of Human Rights. They educate individuals about their rights; document human rights abuses; monitor the behavior of governments, including police and security forces; and advocate for the rule of law. CSOs also contribute to development, provide disaster relief, and deliver humanitarian aid in war zones.

But in recent years, civil society has been under threat. The legal "space" in which civil society is permitted to operate is being systematically "closed." More and more countries are passing restrictive laws that hamper civil society organizations by limiting or even criminalizing the receipt of foreign funding, imposing onerous administrative requirements, or defaming CSOs as terrorists or foreign agents. Even worse, advocates for human rights and political reform face torture, disappearance, and assassination. These repressive policies are no longer confined to authoritarian states or countries in transition, but are occurring in established democracies, including in close U.S. allies like India, Egypt, Hungary, Poland, and the Czech Republic.

At this hearing, experts will discuss the range of threats to civil society world-wide, analyze their impact on human rights and democracy globally, and offer policy recommendations for the Congress and the U.S. government.

Panel I

- **Maina Kiai,** United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association

Panel II

- **Vanessa Tucker,** Vice President for Analysis, Freedom House
- **Margaret Huang,** Executive Director, Amnesty International USA
- **Douglas Rutzen**, President and CEO, International Center for Not-for-Profit Law
- **Maria Stephan**, Senior Policy Fellow, United States Institute of Peace

This hearing will be open to Members of Congress, congressional staff, the interested public, and the media. The hearing will be livestreamed via YouTube on the Commission website, https://humanrightscommission.house.gov/. For any questions, please contact Elizabeth A. Wilson at 202-225-3599 or Elizabeth.Wilson@mail.house.gov (for Mr. McGovern) or Jamie Staley at 202-226-1516 or Jamie.Staley@mail.house.gov (for Mr. Hultgren).

Sincerely,

James P. McGovern, M.C.
Co-Chair, TLHRC

Randy Hultgren, M.C.
Co-Chair, TLHRC

Tom Lantos Human Rights Commission Hearing

Witness Biographies

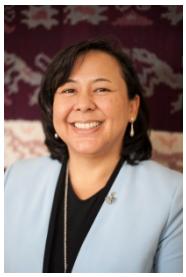
Threats to Civil Society around the World

Panel I

Maina Kiai is the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association. He took up his functions on May 1, 2011, for an initial period of three years, and was renewed in 2014 for an additional three years. A lawyer trained at Nairobi and Harvard Universities, Kiai has spent the last twenty years campaigning for human rights and constitutional reform in Kenya – notably as founder and Executive Director of the unofficial Kenya Human Rights Commission, and then as Chairman of Kenya's National Human Rights Commission (2003-2008). He previously served as Executive Director of the International Council on Human Rights Policy, as Director of Amnesty International's Africa Programme, and as Africa Director of the International Human Rights Law Group. He currently works as co-director of InformAction, a community organizing NGO in Kenya. Kiai's notable honors include Freedom House's 2014 Freedom Award, the United Nations Foundation's Leo Nevas Award (2016) and the AFL-CIO's George Meany-Lane Kirkland Human Rights Award (2016).

Panel II

Vanessa L. Tucker is the vice president for analysis at Freedom House. She previously served as the project director of ***Countries at the Crossroads***, Freedom House's annual survey of democratic governance in 70 strategically important countries around the world. Her area of focus is the Middle East. Prior to joining Freedom House, Vanessa managed the Program on Intrastate Conflict at Harvard Kennedy School. She has also worked at the Kennedy School's Women and Public Policy Program, and for the Democracy Program at the Carter Center. She holds a BA in international development from McGill University and an MA in international relations from Yale University.



Margaret Huang is the Executive Director of Amnesty International USA. As the chief executive officer, Margaret is responsible for advancing the vision and mission of the organization, managing the organization's day-to-day operations and activities, serving as the lead spokesperson for the organization, and ensuring the organization's financial health. She has worked with Members of Congress on critical pieces of legislation, advocated before the United Nations human rights mechanisms as well as the Inter-American Commission on Human Rights, and published articles and opinion pieces on human rights. Ms. Huang's previous work experience includes serving as the Executive Director of the Rights Working Group, Director of the U.S. Program at Global Rights, as Program Director of the Robert F. Kennedy Center for Human Rights, as Program Manager at The Asia Foundation, and as Committee Staff for the U.S. Senate Foreign Relations Committee. Ms. Huang received a Master of International Affairs from Columbia University, and a B.S.F.S. from Georgetown University.

Doug Rutzen is President and CEO of the International Center for Not-for-Profit Law (ICNL) which works with governments, legislators, and civil society to develop the legal framework for civil society and philanthropy in over 100 countries. Under Doug's leadership, ICNL received the MacArthur Award for Creative and Effective Institutions. Doug teaches international civil society law at Georgetown Law School, serves on the Federal Advisory Committee on Voluntary Foreign Aid, co-chaired the State Department's Global Philanthropy Working Group, and is a member of InterAction's Board of Directors. Doug also co-chairs the civil society pillar of the Community of Democracies. In private practice, Doug was co-counsel on the first case against Libya for the bombing of Pan Am 103. Upon Czechoslovakia's transition to democracy, Doug served as a Legal Advisor to Parliament. Doug is a graduate of Yale Law School, with undergraduate studies at Cornell and Oxford.

Dr. Maria J. Stephan is a senior policy fellow at the U.S. Institute of Peace and a nonresident senior fellow at the Atlantic Council, where she focuses on civil resistance, nonviolent movements and their relevance to conflict transformation and democratic development. At the Atlantic Council she co-leads the Future of Authoritarianism project. Previously, Stephan was lead foreign affairs officer in the U.S. State Department's Bureau of Conflict and Stabilization Operations (CSO), where she worked on both policy and operations for Afghanistan and Syria engagements. Earlier, Stephan directed policy and research at the International Center on Nonviolent Conflict (ICNC), and taught courses on human rights and civil resistance at Georgetown University's School of Foreign Service and American University's School of International Service. Stephan is the editor of Civilian Jihad: Nonviolent Struggle, Democratization and Governance in the Middle East (Palgrave, 2009) and the co-author of Why Civil Resistance Works: The Strategic Logic of Nonviolent Conflict (Columbia University Press, 2011), among other works. She holds an MA and PhD from the Fletcher School of Law and Diplomacy and a bachelor's degree from Boston College.

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February 22, 2017

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