

UNITED STATES COMMISSION ON
INTERNATIONAL RELIGIOUS FREEDOM

HEARING ON TARGETED SANCTIONS: IMPLICATIONS
FOR INTERNATIONAL RELIGIOUS FREEDOM

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Virtual Hearing

P A R T I C I P A N T S

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P R O C E E D I N G S

CHAIR MAENZA: Good morning, and thank you for attending the U.S. Commission on International Religious Freedom's hearing today on Targeted Sanctions: Implications for International Religious Freedom.

We are grateful to have Senators Ben Cardin and Roger Wicker, as well as Representatives Jim McGovern and Chris Smith joining us today.

Each of them played a vital role in the passage of the Global Magnitsky Human Rights Accountability Act.

Their bipartisan leadership transformed how the U.S. government holds human rights abusers accountable for their crimes.

In our 2021 Annual Report, USCIRF recommended that Congress reauthorize the Global Magnitsky sanctions regime by passing Senate bill 93, which will expand the actors and abusers eligible for visa and property blocking sanctions.

Thank you for all your important work and

for taking the time in your schedules to give remarks today.

Senator Cardin, the floor is yours.

SENATOR CARDIN: Madam Chair, first of all, thank you so much for your leadership at the U.S. Commission on International Religious Freedom.

The work that you're doing is so critically important to advancing American values and global values on human rights, and it's good to be here with my colleagues. Senator Wicker and I-- a Republican, a Democrat--are the leaders on the Helsinki Commission, and we've been working together to advance human rights, and it's good to be here with Congressmen McGovern and Smith, two of our champions on these issues.

We have worked together in regards to targeted sanctions, the Magnitsky statutes, et cetera, that is the subject matter of your hearing today.

One of the most important tools to hold human rights abusers accountable are those that we

have passed that provide for targeted sanctions, the Magnitsky sanctions.

So let me just go back a little bit and talk about the history because I started on this shortly after I was elected to the United States Senate, and we had the tragic episode of Sergei Magnitsky, a lawyer in Russia, representing an interest of a company that discovered during his representation that the government officials had participated in widespread corruption.

He did what any lawyer is required to do: he reported it to the authorities. As a result, he was arrested, tortured, and killed.

We took up that cause. We know that's not an isolated episode in Russia, but we had a person, a face that we could put with these abuses, and we were determined to take action.

And as a result of--it wasn't easy. We had some resistance from passing targeted sanctions, but we were able to get it done, and I really want to acknowledge the incredible help I

got from the late Senator McCain. He was one of our real champions on this issue. We miss his presence in fighting for global human rights.

We were able to get initially a bill passed that provided targeted sanctions for those abusers of Sergei Magnitsky's rights. We always wanted to make it a global bill, applied to all abusers. And when we had that opportunity, we passed the Global Magnitsky's Law. We got it included in the National Defense Authorization Act.

Again, Senator McCain played a huge role in this. Senator Wicker was my--we co-led the effort here, and Congressmen McGovern and Smith in the House took up the cause in the House, and we worked bipartisan, bicameral to get the Global Magnitsky Law passed. Now we need to make sure it's reauthorized and made permanent.

Those who violate religious freedom, it's just indicative of so many other abuses that occur in that country. If you want to look at widespread human rights abuses, a decline of democratic

institutions, they all go together so we really need to stand up for religious freedom for the sake of those individuals who are being persecuted. But it also is indicative of the lack of rights in that country for the basic protection of their population.

And I must tell you the Magnitsky sanctions have become really the gold standard for dealing with human rights abusers. The advocacy community, the human rights defenders, they know Magnitsky. They know how important it is in their work to try to protect human rights in their country.

But the abusers also know how important the statute is. We know it was one of the first issues mentioned during the summit between President Putin and Trump. We know that individuals do not want to get on that list. They don't want to be named and shamed. We know that they want to do banking in the West. They want to take their corrupt resources that they've gotten

and transfer to the Western powers where they're protected.

We also know they like to visit their properties in our country so when we restrict their visas and their banking privileges, it really hurts.

So the Magnitsky sanctions have played a critical role in advancing the protections for all human rights, including religious freedom.

U.S. leadership is critically important. As a result of our leadership, we were able to get other countries to act. We've seen the UK and Canada, and now EU, pass similar sanction laws.

Now what do we need to do? Let me just briefly give you an agenda. We need to reauthorize to make permanent the Global Magnitsky, and you've already referred to that, Madam Chair.

We need to take the Executive Order 13818 and make that statutory and permanent. We need to include in the Magnitsky sanctions those who materially assist the enablers. Sometimes we

forget that the abusers can't carry out their use of corrupt funds and their activities without having lawyers and accountants and financial advisers that assist.

They take the dirty money and assist the abusers. We need to include the enablers in the sanctions.

We need to expand the Global Magnitsky to more countries. We know today Australia, Japan and Taiwan are all considering Global Magnitsky type sanctions. We need to encourage them to adopt that.

We need to make these sanction laws comprehensive. Yes, we're pleased that the EU adopted a similar sanction regime as Magnitsky. The problem is it does not include corruption. Corruption is the fuel for all these activities. Whether they're violations of religious freedom or abusive practices, it's the corrupt resources that are fueling these activities.

As President Biden recently said,

corruption is a national, core national security concern. So we need to make sure corruption is included.

And, lastly, let me just point out two bills that we're working very aggressively. The House has already taken action on these in the National Defense Authorization Act. That is not only making the Magnitsky statute global, but also passing the Combating Global Corruption Act, which would establish a tiered rating system for how well all countries are doing in fighting corruption-- again, the fuel for a lot of these activities.

And those that are on the lowest tier that are not taking steps to pass and enact meaningful anti-corruption standards would be subject to certain restrictions in our bilateral relationships.

I've also introduced with Senator Wicker the CROOK Act, which gives us the resources to be able to move quickly when we have opportunities in countries by taking the funds from the Corrupt

Practices Act and using that to advance human rights.

The bottom line is no oligarch, no crony should be able to escape sanctions because they're too big. We need to be able to act with unity in the international community to advance the protections of human dignity. Human dignity is a critical part of saving our democratic societies.

So, once again, I want to thank you for your leadership in advancing religious freedom and human rights and holding this discussion today.

CHAIR MAENZA: Thank you so much, Senator, for your powerful remarks, and we again appreciate your leadership on this important issue.

And we're looking forward to handing the floor now to Representative Jim McGovern, another leader on this issue.

MR. McGOVERN: Thank you, Madam Chair, and I'm happy to be with my friend Senator Cardin, and I want to thank Senator Wicker and Congressman Smith for their work on these issues.

I want to thank the U.S. Commission on International Religious Freedom for holding this hearing today and for the invitation to say a few words on targeted sanctions as a tool to promote and protect the fundamental human right to freedom of thoughts, conscience and religion.

And as the author of the very first Magnitsky sanctions bill introduced in the House, I've long believed that individuals responsible for serious violations of human rights should be--in fact, need to be--held accountable.

If countries fail in their obligation to investigate and prosecute human rights abuses, if authorities are unable or unwilling to do their duty, it falls to others--United States and other countries--to do what we can to make sure that the perpetrators bear a cost for their actions. There needs to be a consequence.

As a member of the U.S. Congress, what I can do is try to ensure that, at a minimum, human rights violators cannot enjoy the bounty of the

United States while they are getting away with human rights abuses abroad.

That's the idea behind targeted sanctions in general and the Magnitsky sanctions in particular. These sanctions can prevent those who commit human rights abuses from traveling to the United States or doing business here.

They may not end up in jail, but they are exposed as human rights violators before the entire world. You know, most of the people who are listening here today probably know that I'm a very, very liberal Democrat. There were not many things that I agreed with former President Trump on, but I did agree with his decision to issue Executive Order 13818 in December of 2017 to authorize the imposition of sanctions on any foreign person responsible for or complicit in serious human rights abuse or corruption.

Executive Order 13818 drew on and broadened the scope of the Global Magnitsky Human Rights Accountability Act that Congress had passed

in 2016. And by authorizing sanctions for serious human rights abuse, the Executive Order made it possible for Treasury and State to name and shame individuals or entities--like corporations--who violated a wide variety of rights, including the right to freedom of thought.

This was a good thing. Among those sanctions under Global Magnitsky in 2020 were six Chinese officials responsible for serious human rights abuses against Uyghurs in Xinjiang. This is an example of the use of the law to sanction the violation of the right to religious freedom and related rights.

The Global Magnitsky statute we passed in 2016 sunsets at the end of 2022. We've been working on both sides of Congress to reauthorize it with some adjustments. One of those adjustments is to write the serious humans rights abuse standard that's in the executive order into the law.

Another is to remove the sunset altogether. In the House we passed the

reauthorization with these changes this summer as part of the National Defense Authorization Act.

If these changes advance in the Senate, as well, we'll succeed in making Global Magnitsky permanent, and we'll ensure it can be used to sanction those who abuse the right to religious freedom among many other rights.

Global Magnitsky has proven to be a powerful and popular foreign policy tool. But as we think about increasing its use to protect religious freedom, it is important to remember that it is one tool in the tool kit.

We know that targeted sanctions are most effective when they're used hand-in-hand with diplomacy, when foreign assistance is also used as an incentive, and when we keep up the pressure for full accountability.

That is why the House reauthorization includes two new requirements for reports on what the President is doing: first, to address the underlying causes of human rights abuses; and,

second, to ensure that perpetrators are brought to justice.

We also know that sanctions and addressing human rights abuses are most effective when nations join together, as Senator Cardin pointed out, in common purpose and when U.S. diplomacy advances coordinated, collaborative, multilateral actions.

Sanctions are important, but they are not enough.

So I want to thank you, again, for the opportunity to speak this morning. I look forward to continuing to work with USCIRF on behalf of victims of human rights violations around the world and to all those who are on my screen who are distinguished advocates for human rights, I am just honored to be with all of you, and I yield back my time.

CHAIR MAENZA: Thank you so much, Congressman.

We are so thankful, again, for your leadership on this issue and many others, and we

look forward to continuing to work closely with you. Thanks again for joining us today.

We'd also like to now share remarks from Senator Wicker, who has also been a wonderful leader on these important issues.

SENATOR WICKER: Hello. I'm Senator Roger Wicker from Mississippi, and it is my honor to say a few words to open today's important hearing.

To the witnesses, thank you for participating. To Chair Maenza and the commissioners, thank you for the invaluable work you're doing to advance religious freedom in our world.

Your efforts, particularly in recent weeks during the Afghanistan withdrawal, were of great help to my office and resulted in the safe evacuation of many religious minorities.

Religious freedom is a foundational pillar of any free and open society. Religious freedom stands as a basic human right, alongside freedom of the press, freedom of speech, and the right to

petition one's government.

The U.S. Commission on International Religious Freedom is the vanguard of religious freedom abroad, using soft power to name and push back on those who seek to deny basic rights of conscience to their citizens.

As co-leaders of the Helsinki Commission, my friend Senator Ben Cardin and I have co-labored in similar efforts to advance human rights abroad.

In 2010, we co-authored the Magnitsky Act in memory of Sergei Magnitsky, the Russian patriot who exposed kleptocracy and oppression at the highest levels of the Kremlin and who paid for it with his life.

This law allows the United States to sanction not only governments, but also those corrupt and ruthless government officials who violate the rights of their citizens with impunity.

The success of that legislation led to passage of the Global Magnitsky Act in 2016, which allows the United States to sanction human rights

abusers around the world.

"GloMag," as the law is now known by friend and foe around the world, gives our government, and now other governments, the tools to stand up for freedom-loving patriots everywhere.

In fact, as Senator Cardin and I travel the globe, foreign leaders tell us that GloMag is the most effective tool we have for fighting human rights abuse.

As of December 2019, 198 individuals have been sanctioned under GloMag, but less than ten percent of those have directly related to religious freedom abuses.

Yet, religious freedom abuses are manifold, and the opportunities for action are too many to count.

Sanctions ought to be considered for those individual leaders who are inflicting genocide on the Uighur Muslims in China, those persecuting Christians and Yazidis in Iraq, and those who have cracked down on the Rohingya Muslims in Myanmar--to

name just a few of the most glaring examples.

We have only begun tapping the potential of Magnitsky sanctions in support of religious freedom.

GloMag authorizes visa bans and asset freezes against foreign individuals engaged in serious human rights abuses.

I'm encouraged by this Commission's 2021 recommendations to the Biden administration to use this tool against religious freedom violators. And I hope today's hearing is an important step in opening up new avenues to hold those violators accountable and to bring about positive change.

I look forward to working together to realize the full potential of Global Magnitsky sanctions.

Thank you.

CHAIR MAENZA: We so appreciate Senator Wicker's remarks and his leadership on this issue.

When senator--hopefully, Congressman Smith will be able to join us when his schedule allows,

and at that point in time, we'll yield to him.

We'll go ahead with the rest of our hearing so we can get to our testimony. It's especially--today is special to have this hearing because it's International Religious Freedom Day.

Twenty-three years ago today then President Bill Clinton signed into law the International Religious Freedom Act, or IRFA, which made the advancement of freedom of religion or belief abroad a priority in U.S. foreign policy.

It also created the Commission known as USCIRF, an independent, bipartisan U.S. government advisory body. The Commission uses international standards to monitor conditions for freedom of religion or belief abroad and makes policy recommendations to the U.S. government.

Today, USCIRF exercises its statutory authority under IRFA to convene this virtual hearing.

In Burma, the Burmese military perpetrated mass killings, torture and rape against the mostly

Muslim Rohingya in the Rakhine State in 2017, forcing over 700,000 to flee to Bangladesh within days.

The United Nations has called for the Burmese Commander-in-Chief Min Aung Hlaing to be prosecuted for genocide, crimes against humanity, and war crimes for leading the military to commit such horrendous crimes. Hlaing seized the country in a military coup this February and has continued the brutal and violent assault of the Rohingya.

In China, the Xinjiang Communist Party Secretary, Chen Quanguo, created the blueprint for the dystopian surveillance state that has led to millions of Uyghurs and other Turkic Muslims being placed in concentration camps.

In January 2021, the State Department designated the atrocities in Xinjiang, which Chen continues to orchestrate, as genocide and crimes against humanity.

Besides both being responsible for atrocity crimes, another commonality between Chen

and Hlaing is they were both sanctioned under the 2016 Global Magnitsky Human Rights Accountability Act, you've already heard about, and the related Executive Order 13818.

The Global Magnitsky Act provides authority to deny U.S. visas to and freeze the U.S.-based assets of any foreigner responsible for "extrajudicial kills, torture, or other gross violations of internationally protected human rights" against someone seeking to expose illegal government activity or to exercise or defend internationally protected rights.

Executive Order 13818, issued in December 2017 to implement the Global Magnitsky Act, authorizes these visa bans and asset freezes against foreign persons involved in, quote, "serious human rights abuse," providing even more expansive basis for targeting sanctions.

Alongside Global Magnitsky, the U.S. government has used other tools to impose consequences on violators of religious freedom.

Section 7031(c) of the Department of State, Foreign Operations, and Related Programs Appropriations Act requires the Secretary of State to make foreign officials and their immediate family members ineligible for U.S. entry if there is credible evidence that such individuals have been involved in "a gross violation of human rights."

Today, we will discuss how these targeted human rights sanctions have been and can be utilized within the broader U.S. foreign policy strategy to address religious freedom violations.

This discussion is particularly timely. As you heard, the Global Magnitsky Act is set to expire next year. At this pivotal moment, we will reflect on the success of the current program and consider operations to strengthen the legislative framework.

I will now turn the floor over to Vice Chair Turkel to discuss USCIRF's recommendations related to targeted sanctions.

VICE CHAIR TURKEL: Thank you very much,

Chair Maenza.

I'd like to join in welcoming you all to today's hearing. As noted in USCIRF's 2021 Annual Report, a higher percentage of Global Magnitsky sanctions issued in year 2020 were in response to religious freedom abuses than in previous years.

Since the passage of the 2016 Global Magnitsky Human Rights Accountability Act and related 2017 Executive Order 13818, 243 foreign individuals and entities have been sanctioned, including 30 directly related to the religious freedom.

In 2020, 14 out of the 35 total GloMag sanctions were related to religious freedom violations, demonstrating progress in holding the perpetrators of religious freedom violations to account.

These sanctions include eight imposed against Chinese government entities, senior Chinese officials, including Chen Quanguo, the architect of ongoing genocide against the Uyghurs, for their

direct participation in surveillance, mass detention, and forced labor of Uyghurs and other Turkic Muslims in the Uyghur Region.

The Treasury Department also imposed Global Magnitsky sanctions against Chechen leader Ramzan Kadyrov and five associated individuals, citing Kadyrov's many human rights violations against the LGBT community and others in Chechnya.

Although not explicit in the release announcing the designation, many of the human rights abusers overseen and condoned by Kadyrov are based on his coercive imposition of his interpretation of religion on all of Chechen society.

In 2020, under its statutory authority, Section 7031(c) of the Foreign Operations and Related Programs Appropriations Act, the State Department also issued several public designations of foreign officials and their immediate family members involving religious freedom violations. That includes Kadyrov and his family, Huang

Yuanxiong and his spouse for abuses against the Falun Gong practitioners, and three other Chinese officials and their immediate families for abuses against Uyghurs and other Muslims in China.

In 2020, the Biden administration has continued to use these authorities to hold perpetrators of violations of religious freedom accountable, including by issuing Global Magnitsky sanctions against a Cuban entity responsible for a violent attack of a priest and designating a Chinese official under 7031(c) for persecuting Falun Gong practitioners.

While we welcome these actions, the number of targeted sanctions imposed since the implementation of the Global Magnitsky Human Rights Accountability Act continues to represent only a small percentage of the religious freedom violations occurring globally.

Earlier this year, China's government retaliated to the targeted sanctions imposed by the United States and several allies by sanctioning

U.S. and foreign government officials, including then USCIRF Chair, Gayle Manchin and then Vice Chair Tony Perkins.

This attempt to silence international criticism against the Chinese Communist Party's genocidal policies towards the Uyghurs and other Turkic Muslims demonstrates the effectiveness of this type of sanction and the importance of coordinated pressure by the U.S. government and like-minded partners.

With this in mind, USCIRF recommends that the United States government increase the use of human rights-related financial and visa authorities to impose asset freezes and/or visa bans on individuals and entities for severe religious freedom violations.

In our most recent Annual Report, we note contexts where asset freezes, visa bans on individual officials, agencies, and military units can stem continued religious persecution, including in Burma, China, India, Pakistan and Russia.

In addition to more robustly imposing targeted sanctions in response to religious freedom violations, we must ensure the impact and effectiveness of these sanctions. To this aim, USCIRF recommends that the United States government coordinate with other countries like the way that it did earlier this year with similar sanctions regimes on targeted sanctions whenever possible.

The United States is not the only country that has similar legal tools that can be utilized to stop human rights abuses happening around the world. When multilateral sanctions are issued, the stigma of the sanctions is stronger, and the travel restrictions and asset freezes have a greater impact.

And I would like to conclude by thanking our witnesses for joining us at today's hearing, and I look forward to your testimonies.

CHAIR MAENZA: Thank you so much, Vice Chair Turkel.

I'd like to now introduce the first panel,

and the way that this will work is each will give their testimony, and then we'll ask questions before we move on to the second panel.

Our first panel includes Michael Weber, who is an analyst specializing in foreign affairs in the Foreign Affairs, Defense and Trade Division of the Congressional Research Service.

We have Michael Breen, who is President and Chief Executive Officer of Human Rights First.

Justyna Gudzowska is the Director of Illicit Finance Policy at The Sentry.

And then Annie Boyajian is Vice President for Policy and Advocacy at Freedom House.

Michael, you may begin.

MR. WEBER: Thank you to the Commission for inviting the Congressional Research Service to join this discussion.

As requested, I will focus my attention on the origins of global targeted human rights sanctions tools, namely, Global Magnitsky and Section 7031(c) visa restrictions.

In addition, also as requested, I will comment briefly on how some foreign governments have responded to the use of these tools in cases related to religious freedom.

The Global Magnitsky Act authorizes the President to impose economic and visa sanctions on foreign persons identified as engaging in human rights violations or corruption.

The act has its origins in a 2012 law focused on Russia, the Sergei Magnitsky Rule of Law Accountability Act. Senators Cardin and Wicker have already described Sergei Magnitsky's case, which led to his death in prison in November 2009.

Congress passed the Magnitsky law to require sanctions against persons involved in his detention, abuse or death, as well as those responsible for other human rights violations in Russia.

Although the 2012 law focused on Russia, some earlier versions of legislation would have provided authority to sanction persons globally,

and some members of Congress expressed a hope that future legislation would create such a global authority. Members introduced legislation toward this goal in subsequent legislative sessions, ultimately culminating in passage of the Global Magnitsky Act in December 2016.

Numerous members of Congress describe both the Russia focused law and the later global law as providing the United States with tools to impose some measure of accountability against perpetrators of human rights violations, particularly when foreign governments are unable or unwilling to do so.

As a targeted sanctions tool, Global Magnitsky sanctions contrast with some other provisions in law that contemplate broader restrictions on relations on the basis of human rights.

In addition, as a standing global authority, the law provides the executive branch with the relatively nimble means of imposing

sanctions without requiring the establishment of a country-specific sanctions regime, which can be time consuming and diplomatically challenging.

As has been mentioned, the executive branch has implemented the law through a 2017 executive order. This EO builds upon the Global Magnitsky Act by drawing on other presidential authorities. It includes differences in language that expand the scope beyond that stated in the original law.

For instance, it broadens the standard of behavior for sanctionable targets from those responsible for certain statutorily defined gross human rights violations to those simply determined to be responsible for complicit and, quote, "serious human rights abuse."

The EO also lays out additional categories of potential sanctions targets to include broader networks of individuals or entities associated with the human rights abuse.

Aside from Global Magnitsky, Congress has

also required the Secretary of State to bar entry into the United States by foreign officials about whom the Secretary has credible information of involvement in significant corruption or gross violation of human rights.

This recurring provision in State Department appropriations bills, which in recent years has been found under Section 7031(c), has its origins in Fiscal Year 2008 appropriations. Although originally focused solely on corruption, Congress later added human rights to the sanctionable criteria and also authorized the Secretary to publicly identify the sanctioned officials.

Unlike Global Magnitsky, this authority is limited to visa restrictions. It's also limited to foreign officials, although it does additionally extend the restrictions to their immediate family members.

In some cases, the executive branch has publicly designated individuals pursuant to both

Global Magnitsky and Section 7031(c).

So the executive branch has utilized these tools to impose sanctions for some human rights violations related to religious freedom. Foreign government responses have varied from highly critical and at times retaliatory, on one end of the spectrum, to openly supportive on the other.

For instance, with regard to the People's Republic of China, a series of Global Magnitsky sanctions have targeted numerous officials and entities in relation to the repression of ethnic Uyghurs and other Muslim groups in Xinjiang, as others have already mentioned.

Among the targets is the current Xinjiang Party Secretary Chen Quanguo. In addition and aside from Xinjiang, the State Department has utilized Section 7031(c) to designate PRC officials for human rights violations against Falun Gong practitioners.

The PRC government has responded by criticizing U.S. sanctions as an interference in

China's internal affairs and has imposed retaliatory sanctions against certain U.S. individuals and entities, including the former Ambassador-at-Large for International Religious Freedom.

As Commissioner Turkel noted, following U.S. sanctions actions earlier this year, the PRC announced sanctions against multiple former commissioners.

By contrast, some governments have supported the imposition of U.S. sanctions, particularly when the sanctions have aligned with their domestic accountability efforts.

For instance, some observers have described sanctions related to corruption and human rights abuses by former Gambian President Yahya Jammeh as an expression of U.S. backing for Gambia's ongoing efforts to provide accountability for abuses that occurred during his time in power.

Gambia's Justice Ministry explicitly communicated support for the sanctions along these

lines. Although these sanctions were not directly focused on the issue of religious freedom, the Treasury Department noted that religious leaders had been among the targets of repression and violence during Jammeh's reign.

These examples, while not necessarily broadly representative, may help illustrate some of the general factors that influence how governments respond to the use of these tools.

These factors likely include whether and to what extent the behavior being targeted is associated with the current government or its policies, the rank and status of any foreign government officials targeted for sanctions, and the state of U.S. relations with the foreign government and the power dynamics that are present in that relationship.

I'll stop there. Thanks again for the opportunity, and I'm happy to respond to your questions.

CHAIR MAENZA: Thanks so much. We

appreciate it. Wonderful testimony.

We'll now move to Michael Breen. Thank you.

MR. BREEN: Thank you, Chair Maenza, Vice Chair Turkel, and distinguished members of the Commission. Thank you for the opportunity to testify today on how targeted human rights sanctions can help address violence against religious minorities.

Human Rights First is an independent, non-profit advocacy organization that challenges the United States to live up to its ideals and take a leading role in promoting and protecting human rights--at home and around the world.

In recent years, we've seen the rising tide of authoritarianism and the backsliding of democracies pose serious threats to human rights, including to religious freedom.

In many countries, widespread repression and attacks against religious minorities threaten the free exercise of religion and the safety for

even survival of entire communities.

For example, in recent weeks, Islamic State of Khorasan Province, or ISIS-K, has carried out brutal attacks against the Hazara Shia community in Afghanistan.

As part of a multi-faceted diplomatic approach, targeted sanctions like the Global Magnitsky program can be a useful tool to pressure those violently repressing religious freedom. These sanctions enable governments to take action against individuals and entities involved in serious human rights abuses for corruption.

They impose personal and financial repercussions, namely, asset freezes, visa bans, and restrictions against doing business with any U.S. person.

Targeted sanctions can send a strong message of solidarity with victims and provide some accountability when judicial mechanisms fail. They can help reinforce international norms and isolate individual abusers. Importantly, targeted

sanctions reduce the risk of humanitarian and economic harm to innocent people.

Since 2017, Human Rights First has built a global network of more than 250 NGOs to bring information about sanctionable abuses to the U.S. government on issues such as violent religious persecution, attacks on journalists, atrocities and genocide, and corruption.

In the past four years, 339 individuals and entities across 37 countries on five continents have been sanctioned under the Global Magnitsky program.

We're proud that around one-third of these designations have a basis in recommendations from our coalition members.

Today, I want to highlight how the Global Magnitsky program has been used in several cases relating to religious freedom.

Around one-third of the human rights designations under the program relate to religious freedom or the coercive imposition of the

perpetrators' religious views.

I also want to offer a realistic perspective on the program's effectiveness and its limitations. In Myanmar, Global Magnitsky sanctions have been used to respond to grave abuses perpetrated against religious minorities. After widespread and systemic killings, forced disappearances, rapes and the burning of hundreds of villages, the U.S. government sanctioned nine senior military officers and two infantry units in response to the genocide against the predominantly Muslim Rohingya community.

Similarly, in response to the genocidal forced sterilization, mass detention, and other abuses against Uyghur Muslims and ethnic and religious minorities in Xinjiang, the United States sanctioned eight senior Chinese officials and two major government entities.

These abuses against religious minorities prompted the European Union, the UK, Canada, and the United States for the first time to jointly

impose Magnitsky sanctions on those involved.

Targeted sanctions for widespread abuses can have positive effects. They can send a unified message of condemnation. They can stigmatize and even impact interests of targeted governments, as China made clear through retaliatory sanctions.

Sanctions can reaffirm countries' commitments to uphold and defend shared values, which has motivated advocates and officials in countries like Australia as they consider adopting Magnitsky-like sanctions program.

Yet, these cases make clear the limits of targeted sanctions. While they can help build multilateral pressure, they cannot by themselves end atrocities or even sideline abusers in their own countries.

For example, two years after being sanctioned for his role in the Rohingya genocide, Min Aung Hlaing led the overthrow of Myanmar's democratically-elected government. A broader diplomatic effort will be required to halt these

abuses.

We've also seen Global Magnitsky sanctions used when perpetrators justified violence on religious grounds even if victims were not targeted for their religious affiliation.

In 2020, Chechen leader Ramzan Kadyrov and his associates were designated for kidnapping, torturing, and killing LGBTQI persons, ostensibly on the basis of his religious views.

Imposing sanctions signaled solidarity with and support for the marginalized groups that were facing religiously motivated persecution.

It can also put pressure on associates who have been or risk being sanctioned for their links to a sanctioned person.

Finally, in one instance, Global Magnitsky sanctions were used to intervene on behalf of a religious leader, American pastor Andrew Brunson. These sanctions against Turkish officials helped expedite his welcome release from arbitrary detention. But focusing on one victim, not

including other similarly situated Turkish or American citizens, who are also arbitrarily detained in Turkey's prisons, raised questions about the implementation of the sanctions program.

We believe applying Global Magnitsky sanctions consistently will send the strongest message of the United States' commitment to protecting human rights, including religious freedom.

Today, the Global Magnitsky's sanctions program is a valuable tool to address human rights abuses and corruption with broad bipartisan support. The Commission can help promote the use of Global Magnitsky sanctions to address abuses of international religious freedom.

To this end, I offer recommendations for you in my written testimony, which include:

Sustaining your work; monitoring, documenting and reporting on situations of abuse; engaging with civil society in countries of concern; encouraging the Executive Branch to impose

sanctions where called for; supporting the multilateral expansion of Magnitsky-like sanctions; and supporting the bipartisan reauthorization of the Global Magnitsky Act.

Thank you for your time and for all that you do to protect the right to religious freedom and human rights. I look forward to our discussion.

CHAIR MAENZA: Thank you so much for that important testimony. We appreciate it.

And Justyna, we will go to you.

MS. GUDZOWSKA: Thank you very much.

First of all, I'd like to thank Chair Maenza, Vice Chair Turkel, other members of the Commission, and distinguished guests like Senators Cardin and Wicker and Representative McGovern.

It's an honor to be with you to discuss this important issue. I grew up in Communist Poland in the '80s, and there was one event that had a profound impact on my young imagination. It was the murder in 1984 of a Polish priest, Jerzy

Popieluszko, whose association with the anti-Communist labor movement Solidarity was considered a threat to the ruling regime.

When attempts to silence Popieluszko failed, he was tortured and killed by the Security Service. I was seven when this happened, and it is hard for me to convey to you how frightening and demoralizing it was to realize that sometimes the villain is the state itself. Sometimes the killer or the human rights abuser is the one who sits in power. Even as a child, I could grasp there is nothing more terrifying than impunity.

Religion is often intertwined with the quest for democracy and human rights. At that time, however, the international community had few tools to respond to human rights abuses.

Today, things are different, in part, because of Sergei Magnitsky, another brave individual who was tortured and killed while in state custody, and the powerful instrument of foreign policy named after him--Global Magnitsky

Sanctions.

The countries that my organization, The Sentry, covers, mainly in East and Central Africa, have experienced their share of religious persecution. For instance, in the Central African Republic, militia leaders have fanned the flames of religious divisions as a means to control territory and natural resources.

The Sentry's investigations found that militia leaders incite violence between religious communities to advance their own political and economic interests. In many cases, they're motivated by money. As such, financial pressures can be a critical tool.

Unlike the state-based paradigm that dominated sanctions in past decades, Global Magnitsky sanctions are nimble and surgical. Because GloMag sanctions are not focused on any particular country, they are also less likely to lead to de-risking by financial institutions.

These sanctions should be used more

frequently and systematically. But because it's simply impossible to sanction all the bad guys, GloMag sanctions need to be imposed strategically. Sanctions should focus on those most responsible for abuses and critically on their economic interests and financial networks.

I'd like to outline three recommendations for how this should be done. First of all, focus on networks. Too often sanctions are used to satisfy an impulse to do something in the face of horrendous atrocities. But to actually have an impact, sanctions must go beyond naming and shaming and focus on exerting pressure on entire networks.

That means not just the human rights abuser, but his businesses, proxies, and facilitators. Counternarcotics and counterterrorism sanctions often focus on networks. Global Magnitsky sanctions should do the same.

When sanctions target networks, and particularly when they focus on the money men, we have seen them work in Africa. Bad actors do not

work in isolation. They are buttressed by a community of enablers.

Second, think beyond sanctions. One point that often gets lost when we talk about sanctions is that to truly be effective, they must be utilized in concert with other foreign policy tools.

So to address violations of religious freedom, policymakers should think creatively and holistically and consider other tools at their disposal, such as advisories, Commerce Department entity list designations, and prosecution.

I was the lead sanctions lawyer at a global bank when the U.S. government began a concerted effort to impose costs on the Chinese government related to its treatment of the Uyghurs. Although the designations of key officials had normative value, it was the designation of the XPCC, a paramilitary organization with massive economic interests and subsidiaries that trade on major stock exchanges, along with Commerce

Department blacklisting of certain leading Chinese tech companies, and a multi-agency forced labor advisory that caused financial institutions to really take notice and alter their internal controls and diligence processes to account for these risks.

Third, don't go it alone. We all know, as has been already said here, that the efficacy of sanctions is vastly increased when the actions are multilateral, closing off additional jurisdictions where perpetrators might try to stash their money, buy real estate, or send their kids to boarding school.

Human rights related sanctions is an area in which we enjoy broad agreement with our allies. And we have been the leader in pioneering these tools and exporting them to other jurisdictions.

The U.S. now has an opportunity to make coordinated GloMag actions the norm.

One final important piece of the puzzle I will mention is the private sector. Financial

institutions are often on the front line of sanctions enforcement. Compliance departments inside banks have focused on Iran, terrorism, proliferation financing, money laundering associated with drug trafficking, but the focus on human rights is relatively new and requires financial institutions to think outside their traditional silos.

For this reason, the U.S. government should closely engage with financial institutions to share information on typologies and red flags linked to violations of religious freedom.

Global Magnitsky is precisely the sort of discrete, effective instrument that can be leveraged to make a real difference, but we must do so strategically, targeting networks rather than just individuals, in concert with other elements of financial pressure, with our allies, and with the private sector.

Thank you again for the opportunity to be here today. I look forward to any questions.

CHAIR MAENZA: Thanks so much. We appreciate it. This is very helpful.

Annie, we will go to you.

MS. BOYAJIAN: Senator Cardin, Senator Wicker, Congressman McGovern, and distinguished members of the Commission, it's an honor to testify today.

And special thanks to our congressional champions for your leadership on targeted sanctions.

Freedom House has tracked 15 consecutive years of decline in freedom and democracy around the world, with the deepest declines occurring in 2020, which is the last year that we've tracked.

Nearly 75 percent of the world's population now live in countries that faced a deterioration in the last year. Unfortunately, conditions for religious freedom have followed this same trend line with our global average score for religious freedom declining by 5.6 percent over the last 15 years.

State repression of religious minorities and attacks by non-state actors were the two most common drivers of decline in religious freedom.

Over the last decade, Freedom House has supported around 1,700 victims of religious persecution, nearly 300 in the last year.

Unsurprisingly, the top state violators in these cases--Afghanistan, China, Egypt, India, Iraq, Iran, Myanmar, Nigeria, Pakistan, Vietnam, and Yemen--are all with the exception of Yemen countries recommended by this Commission for designation by the State Department as Countries of Particular Concern or for placement on the watchlist.

China's repression of religious minorities is so egregious that it earned special attention in my written testimony and has also gotten special mention from the Commission.

Targeted sanctions are an important and powerful tool, as we have all heard, and we believe at Freedom House that they could be deployed with

greater impact.

Nations with targeted sanctions programs, including the United States, should make these regimes as strong as possible and should ensure robust funding for implementation and enforcement.

Democratic nations that do not yet have targeted sanctions programs should adopt them. There are now more than 30 countries with targeted sanctions programs. Proposals under consideration in Australia, New Zealand, Japan and Taiwan, as well as these 30 other regimes, should align with one another as much as possible to enable maximum coordination and impact.

In the U.S., as you have heard from everyone here today, Freedom House is working on reauthorization of the Global Magnitsky Human Rights Accountability Act, along with nearly 80 other organizations, including some of my co-panelists.

As Senator Cardin already stated, it really is the gold standard for targeted sanctions.

We agree with what you have already heard, that reauthorization should be permanent and should include changes to the original text that will make it easier to sanction perpetrators of human rights abuses and corruption.

Two of Global Magnitsky's most powerful components are the requirement that the U.S. government consider information submitted by non-governmental organizations, and that unclassified information on who has been sanctioned be publicly available. These two provisions should be retained.

We also believe that serious consideration should be given to including the ability to sanction family members of perpetrators. This is an authority that you heard already exists in other sanctions programs but not in GloMag.

Robust resourcing for sanctions implementation and enforcement is also crucial. In the U.S., the number of suspected perpetrators to review for potential sanctions continues to outpace

the vetting capacity of agencies.

Freedom House has been working, again with the support of nearly 80 organizations, to obtain funding for these agencies to hire additional staff to vet and potentially sanction a larger number of cases each year.

Targeted sanctions should be applied to violators of religious freedom as impactfully as possible, which includes applying the strongest sanction available, meaning not just visa ban, which has been a growing trend in the U.S., but also asset freezes.

Sanctions should be levied against violators of religious freedom with greater frequency, as you already heard, particularly on individuals in countries where violations of religious freedom are most prevalent.

And special scrutiny should be given to governments who employ mercenaries to fight in wars that involve horrific abuses against religious minorities.

Given that attacks by non-state actors are on the rise, policymakers should review whether existing targeted sanction programs and criminal laws are adequate for adjusting these threats or whether they need to be updated.

Targeted sanctions should also always be part of a robust comprehensive strategy of coordinated actions that include things such as withholding or conditioning foreign aid and trade agreements, regularly raising religious freedom issues directly with offending governments and also at international bodies, and calling for the release of religious prisoners.

Governments should avoid sanctioning only low-level perpetrators while leaving the worst offenders untouched. And there need to be clear steps for easing targeted sanctions if perpetrators change their behavior or the protection of rights improves.

The United States should work with democratic governments and financial institutions

to address any unintended consequences of sanctions compliance, which we have seen can sometimes impact civil society groups from sanctioned nations, making them unable to access their funds in banks.

As part of this comprehensive strategy, policymakers should seek to avoid unintended consequences for religious minorities in the implementation of other foreign policy initiatives.

U.S. educational scholarships, such as the Fulbright Foreign Student program, are awarded in countries where religious minorities are less likely to have the necessary qualifications to receive scholarships.

Special attention should be given to ensure the participation of religious minorities in these programs.

The U.S. and other governments should also expand the view of what is considered successful impact for targeted sanctions. The traditionally understood purpose is--rightly--to change behavior, but in practice, we have actually seen a broader

range of positive impacts.

Freedom House is working on a survey of human rights defenders and civil society leaders that we hope will capture the full picture of civil society perceptions, good or bad, surrounding the impact of targeted sanctions.

In the meantime, we know that targeted sanctions have had a concrete effect on the cost-benefit analysis of high- and low-ranking officials, as they've considered whether or not to align themselves with anti-democratic practices.

Sanctions have helped energize civil society, bringing together diverse coalitions, and signal international condemnation. Governments should take all of these impacts into consideration when determining who to sanction.

Thank you to the Commission for the good work you are doing to mainstream the issue of religious freedom and highlight and remedy the abuses that are occurring.

We look forward to continuing to labor

with you in this important effort.

CHAIR MAENZA: Thank you, Annie. We really appreciate it. That was very helpful.

We have a little bit of a change of plans because we are running a little bit later in order to make sure that everyone can be included. We're going to actually now go straight to Tom Andrews, who is the U.N. Special Rapporteur on the situation of human rights in Myanmar.

He is a former member of Congress, and we look forward to hearing from him. Thanks so much.

MR. ANDREWS: Thank you very, very much, Chair Maenza, Vice Chair Turkel, members of the U.S. Commission on International Religious Freedom. Thank you for inviting me to this very important hearing. It is an honor to join you this morning.

As you are all aware, Burma is in the midst of a human rights crisis, following the military's attempted coup d'etat in February of this year.

As I told the U.N. General Assembly last

week:

Over 1,100 civilians have been murdered; more than a quarter-million have been displaced; over 8,000 arbitrarily detained, with many tortured, including dozens who were tortured to death. I have received credible reports of children being tortured and abused by junta forces. At least 100 journalists who lost their freedom because they had the courage to document and report the truth. Even more, doctors, nurses, and other health care professionals attacked, harassed, and arrested, even as Myanmar suffers through a health care crisis. The family members of those sought by security forces, including very young children, have been abducted and imprisoned.

I believe that the United States and other nations who are outraged by these developments must stand with and for the people of Burma, and a principal way to do this is through targeted, tough, coordinated sanctions.

I'd like to provide a brief background on

sanctions previously in place on Burma, the persecution of the ethnic Rohingya Muslim minority, and the application of sanctions under Executive Order 13818, the Global Magnitsky sanctions, in response to these atrocities, and the current landscape of targeted sanctions on Burma.

The United States and the European Union have demonstrated a willingness to impose sanctions against Burma in the past when conditions warranted.

Indeed, in the 1990s and 2000s, acts of repression and abuse by the military government led to a ratcheting up of sanctions on trade, finance, and investment. These sanctions were followed by a political reform process within Burma, and, in 2012, the U.S. and the EU began to ease these sanctions.

Those who questioned the role that sanctions played in advancing reform should look at the principal message of then Burmese President Thein Sein when he traveled to Washington, D.C., in

2013. He told lawmakers please remove the sanctions that have been imposed on our country in light of the important reforms that were underway.

Sanctions indeed began to be lifted, and in October of 2016, a year after Aung San Suu Kyi's part, the National League for Democracy, won national elections, and the military allowed her to form a government, the United States removed sanctions on the overwhelming majority of Burmese designation targets and ended the prohibition on most trade, investment and finance with Executive Order 13742, which terminated the "Emergency With Respect to the Actions and Policies on the Government of Burma."

A strong case can therefore be made that the reforms that were overthrown in the military coup last February were made not because the military suddenly changed its mind about democracy and the need for greater accountability and reform, but at least in part because of the imposition of sanctions.

Unfortunately, while political reforms progressed through 2012 in Burma, disturbing attacks against ethnic minority Muslims escalated. The Rohingya have been persecuted and denied citizenship for decades, with the military undertaking human rights violations and attacks against them since the last 1970s.

The internment camps that today house more than 130,000 Rohingya Muslims in Rakhine State began as temporary camps for those displaced when Rohingya villages were attacked and destroyed in 2012.

On May 13, 2016, Burma's military Commander-in-Chief Min Aung Hlaing, who led this year's military coup, stated that there are no Rohingya in Myanmar, only "Bengalis--the term Rohingya does not exist, and we will not accept it," he said.

In October of 2016, Burmese state media referred to the Rohingya as, and I'm quoting, "foreigners who profess other religions," and

concluded by equating the Rohingya with, again quoting, "a thorn that has to be removed as it pierces."

Those who study mass atrocity crimes know how lethal this form of hate speech can be and, in fact, was.

In 2016 and 2017, the military launched devastating attacks against the Rohingya. Beginning August 25th of 2017, Burmese forces in concert with non-Rohingya civilian squads acting under the Burmese military and police control razed hundreds of Rohingya villages throughout northern Rakhine, brutally massacring thousands of unarmed Rohingya men, women and children, systematically raping, torturing, imprisoning, and forcibly expelling entire communities.

At least 362 villages in three townships in northern Rakhine State were completely or partially destroyed. Over 750,000 Rohingya were forced to run for their lives over the border into Bangladesh, where they remain languishing in the

largest refugee camp in the world.

Following these atrocities, the United States turned to the Global Magnitsky sanctions program, both because it fit the human rights violations that the Global Magnitsky program was meant to cover, but also because there was no Burma-specific sanctions program in place at that point.

Under Global Magnitsky, the United States imposed sanctions on 11 Burmese military individuals and entities. The U.S. Treasury in rolling out this designation stated, and I quote:

"The U.S. government is committed to ensuring that Burmese military units and leaders reckon with and put a stop to these brutal acts. We will continue to systematically expose and bring accountability to human rights abusers in this region and many others and greatly appreciate the efforts of civil society who are doing the same."

That statement expresses the intent of the sanctions at the time: to expose and to bring

accountability.

The Global Magnitsky's sanctions on Min Aung Hlaing, his number two, Soe Win, heads of military operation commands and border guard forces, as well as the 33rd and 99th Light Infantry Divisions, who are responsible for these atrocities, exposed key leaders involved in the attacks and cut them off from the U.S. financial system.

The United States sanctions were likely also in helping getting U.S. allies to impose sanctions on these targets as well.

Three-and-a-half years after the atrocities against the Rohingya, the military again began engaging in a widespread and systematic attack against the civilian population in Burma.

Shortly after the coup in February, the United States unveiled a new executive order, Executive Order 14014, specific to Burma. That executive order covers conduct undermining the democratic processes in Burma, threatening the

peace and stability of Burma, prohibiting or limiting freedom of expression or assembly, or arbitrarily detaining, torturing or committing other human rights abuses.

Broadly speaking, the economic sanctions that have been imposed by member states, including the United States, under this executive order are welcome and necessary, but I believe they are insufficient.

To date, the United States has sanctioned a total of 29 entities and 84 individuals and most importantly froze \$1 billion in funds held by the state of Burma in the United States shortly after the coup.

That was an important and extremely timely step, but short of that important step, sanctions have not substantially impacted the ability of the junta to continue to seize state revenues and foreign exchange to enrich its leaders and fuel its attacks on the civilian population.

The single largest source of revenue for

the junta is the oil and gas industry. I have very publicly called on countries around the world, including the United States, to follow the call of several hundred civil society organizations within Burma who have called for Myanmar Oil and Gas Enterprise to be sanctioned.

This can be done without interrupting the flow of energy or impacting the return on investment of energy companies.

In addition to strengthening sanctions, the U.S. should work to organize a coalition of allied nations who are willing to apply pressure on the military junta. Coordinated strategic sanctions should be designed to work as a coherent whole, focusing on common targets.

Targeted sanctions have served as essentially the only means of accountability on the military for its illegal attempt to overthrow the civilian government.

Indeed, even before the coup, Global Magnitsky sanctions were important to expose those

responsible for the military's genocidal attacks against the Rohingya, but they unfortunately have done little to change the calculus of the military today.

That is why I believe that further pressure must be imposed on the military and quickly. Nearly four months have elapsed since the last round of U.S. sanctions. The junta depends on the international community to help it with three fundamental needs: one, money; two, weapons; and three, legitimacy.

Targeting these three needs, while expanding humanitarian aid and support to the people of Burma, including the Rohingya, who are languishing in IDP camps within Burma and in refugee camps outside of Burma, is the best way that the international community and the United States can help.

Thank you again for holding this very important hearing and for the invitation to participate with you. Thank you.

CHAIR MAENZA: Thank you for that powerful testimony, and we so appreciate your work on this and your leadership in the Special Rapporteur's office.

I do want to just let those that are listening to know that all of these testimonies will eventually be up on the uscirf.gov website, but currently you can read their biographies. So please come back, and we'll eventually have a summary and a video of this hearing as well.

We're going to go ahead and open it up for questions, and I'm going to go ahead and start, and I think I'll ask you first, Special Rapporteur Andrews.

Clearly, these Global Magnitsky sanctions weren't enough to stop, to have that kind of impact we wanted to have on the military leaders of Burma.

Do you feel that changing the law itself would be the key to that or using it more effectively and more often?

MR. ANDREWS: That's a very good question.

I think that as some of the speakers have already referenced, we need a package of tools in our tool box, Global Magnitsky being one of them.

Certainly, Global Magnitsky can be used moving forward and, of course, strengthening Global Magnitsky will make it even more valuable as a tool.

But there are a range of tools in our tool box, and what is so important, I believe, is applying the tools that we have, including sanctions, and, as has been mentioned, including by the members of the congressional delegation who testified before us, that it be done in coordination, linked together in a very focused way. That I believe is so critically important, and Global Magnitsky can be a very important tool in that tool box.

CHAIR MAENZA: Great. Thank you so much for that.

I know my colleagues have some questions so I'm going to go ahead and bring them all in as

well. Vice Chair Turkel, I wanted to hand it off to you first.

VICE CHAIR TURKEL: Thank you very much.

The United States government, both Trump administration and Biden administration, have imposed 94 punitive sanctions by head count to respond to the ongoing Uyghur genocide. That includes Entity List designation, GloMag sanctions, visa ban.

I have two questions in this regard. One, should we expand to include the key architects of the policy, as well as those operating at the working level, meaning imposing secondary sanctions to the networks, as Ms. Gudzowska mentioned earlier?

And also what would be the effective measure to assess the effectiveness of these measures?

Sometimes people argue that imposing sanctions will hurt the people, the ordinary people, but that does not apply in this situation

like China.

We know that some of those measures/ sanctions have been yielding a good result, in the case of, for example, the XPCC that has been sanctioned four times, and that is believed to be or reportedly has 800,000 shell companies around the world.

So, first, I just repeat the question. If we should expand it, and if so, should we impose secondary sanctions? And then how do we evaluate the effectiveness?

MS. BOYAJIAN: I can just jump in first. I'm sure my colleagues will want to chime in as well.

So, yes, we absolutely believe that sanctions should be expanded to include additional officials at a variety of levels. The sanctions that have been imposed are excellent, especially in their coordination, but more can be done.

Our understanding is that to date officials have been sanctioned from only a variety

of provinces, but there are egregious violations of religious freedom happening across the country. And so making sure to sanction officials from each of those provinces, sanction officials who are architects and involved in the security apparatus, and then also some of the working level folks would be very impactful.

We have heard very interesting accounts of officials at the local level who decided after hearing about U.S. sanctions, they evidently decided not to engage in some of the abuses that folks were afraid that they would do, and we even heard reports that some Falun Gong practitioners were released from detention.

So, to your point, yes, we think that that would be very impactful.

MS. GUDZOWSKA: Yeah. I'm happy to jump in as well, and agree. I think, as I said, you know, it has a normative value, focus on the officials, but really finding their business interests, like the XPCC, had such a tremendous

impact when I was at the bank. So looking more for these companies, and often they have subsidiaries that trade on major stock exchanges.

So that's really another way to hurt economic interests when people cannot buy and sell their securities anymore. It's very important to really look for these assets that have connections to the international financial system. And sometimes it is hard with China because of complicated layered ownerships, but with the research, it can be done.

And in terms of effectiveness of sanctions, and Annie mentioned this as well, I think we really need to think about effectiveness in a different way. Changing behavior, you know, is not a great way to think about the effectiveness of sanctions.

China is unlikely to wholesale change their behavior. What we're really thinking about is denying resources to the perpetrators, having less money, less resources, to do the bad things

they do. And also to deter enablers, right, because once you get sanctioned, it is much less likely that you're going to find enablers willing to do business with you.

Yes, there still might be some, but you are really causing friction for that bad actor and their ability to continue doing what they're doing.

So it's very hard to measure that, and it's, you know, having worked with financial institutions, you know, you see accounts not being opened, you see transactions not proceeding, you see when you're doing diligence, asking uncomfortable questions of a Chinese company, you know, about forced labor and maybe choosing not to do that business.

But that's not something that's ever made public. So we have to think about those impacts of sanctions that we might never know about because the bad guys, you know, likely are going to keep being bad, but it's really the people around them whose behavior you may want to change.

MR. BREEN: Yeah, I would absolutely agree with that, with everything that's been said. But if we think about sanctions as a behavior change tool, it's not just the perpetrators we're talking about, of course, it's potential bystanders, potential allies.

And I think that's been a very important part of what's happened recently with respect to China, and we're very pleased to note that the EU, the UK, Canada, they've imposed their first sanctions on several Chinese Communist Party officials, other entities responsible for the atrocities against the Uyghurs.

And that follows a similar set of U.S. sanctions, actions. In July of 2020, there was a call from 70 NGOs that a lot of us were part of-- Human Rights First helped lead in August-- encouraging other governments to use their own targeted sanctions authorities to help address situations in--

So I think sanctions can be an important

coalition-building tool, and I think when you're talking about a perpetrator as powerful as China, that that becomes doubly important.

MR. ANDREWS: Chair Turkel, I just want to pick up on a part of your question, which I think is so important: won't sanctions have an impact on regular people and hurt regular people?

It's a very fair question. I think that's why targeted focused sanctions are so important. In the case of Burma, let me tell you that the people of Burma overwhelmingly support sanctions.

As a matter of fact, they have imposed their own citizen sanctions. They're boycotting anything and everything connected to the military. They're withdrawing taxes; they're withdrawing utility payments.

An economist recently estimated that those citizen sanctions alone are costing the junta upwards of \$1 billion. What they're asking for the rest of us is to join them in imposing those targeted focused sanctions.

VICE CHAIR TURKEL: Thank you very much.
Very insightful. Thank you.

CHAIR MAENZA: Thank you.

Commissioner Bhargava.

COMMISSIONER BHARGAVA: Thank you, Chair
Maenza.

So I wanted to--I just want to thank you
all for your expert testimony today, and in
particular for the last question and the ways in
which you underscored the need for reauthorization
of sanctions as a way not only to change behavior,
to coalition build, and also to express support for
people on the ground who are in these authoritarian
regimes.

And I want to ask about implementation of
the ways in which sanctions have been imposed
around the world, and, in particular, whether you
feel like there are particular regions that have
been more of a focus, and if there is challenges to
that being the case?

And also if there has been ways in which

there are parts of the world, countries that have not, that have been omitted from the sanctions process and that we should be aware of and think about how we actually push for designations in those parts of the world?

And so a question about selectivity, about the ways in which sanctions have been implemented. We've talked about some of the really powerful places in which they've been imposed, but I wanted to ask about some of the places where we might want to consider pushing for them at this point.

MR. BREEN: Excellent set of questions. Thank you.

I think, you know, I think the U.S. government's overall body of sanctions designations spans all regions, but I would say there are specific countries where United States has so far seemed unwilling to use appropriate tools targeting those responsible for some pretty brutal repression or kleptocratic governments.

At Human Rights First, we believe Global

Magnitsky sanctions or designations would likely be appropriate to help address conditions like that in countries that include Azerbaijan, Bahrain, Bangladesh, Egypt, Philippines, UAE, Vietnam, Equatorial Guinea, for example, and that's not to say that only the Global Magnitsky program can or should be used to address those issues.

But, you know, in several countries, Syria, for example, the U.S. government has used human rights related criteria to do existing country-specific sanctions programs to designate individuals responsible for abuses, and that's an approach that I think we would also welcome.

In terms of regional diversity, I think the government's designations under the Global Magnitsky program so far have been regionally diverse, but, again, there's more that we could do, and I think we have recommendations around some of those specific countries I mentioned.

I would love to get into ways in which we could improve executive branch implementation, but

I don't want to take up the floor for too long. So I'll yield to my colleagues.

MS. GUDZOWSKA: Yeah. Let me jump in there as well. You know, The Sentry, the organization I work for, really focuses on Eastern and Central Africa, and there was a great focus in the administration on Africa a few years ago, but we've definitely seen a drop off in Global Magnitsky sanctions related to Africa.

So I know today we are talking about China, great power competition, and things like that, but it's very important to remember that the continent of Africa has some of these issues, and we should not forget about it.

And that is also an area where we have seen sanctions work so we should not let up, and a little action can go a long way. So I would definitely give a plug for the administration re-upping their focus on Africa.

MS. BOYAJIAN: I would briefly just second everything my colleagues have said. You know,

there are, as you all know, a range of options; right. So on the lower end, simple visa blocking under the Immigration and Nationality Act. That's never made public, but has happened for decades. All the way up to these more robust detailed country-specific or GloMag sanctions.

We think targeted sanctions should be used globally. We understand that there are all ways political decisions that come into play. But from our perspective, which is one of working to promote democracy and human rights around the world, there have been some big misses. So, the failure to sanction--Jamal Khashoggi, for example--some of these cases that Mike mentioned that have been pending for quite some time in the countries he listed, like Azerbaijan, so all of those cases are ones where we think, yes, let's get the obvious stuff we know, but then let's also get the rest of the stuff that will have real impact. Let's get those corrupt officials.

CHAIR MAENZA: Great. Thank you.

We will now go to Commissioner Khan for a question. And you are on mute, Commissioner Khan. Commissioner Khan, you are on mute. Great. Thank you.

While he is working on his technology-- oops, there he is. Great.

COMMISSIONER KHAN: I think I am unmuted now. Thank you, Chair Maenza, for giving me the opportunity to ask questions to our honorable witnesses. Thank you for appearing before the Commission.

I ask--my question is twofold. One is, and I ask this with the hope that Congress will reauthorize and make the GloMag permanent. With that hope, in your opinion--I'll ask the question first and then you can take your turn to answer.

One is how could we make these sanctions more effective with the collaboration of our allies besides appealing to them and encouraging them to come on board and strengthen these sanctions?

And the second part of my question is

besides sanctions, in your expert opinions, what else U.S. and allies could be doing to nudge these perpetrators/violators?

I know sanctions are really effective tools, but knowing human nature, in your expert opinion, are there any other tools, mechanisms, that U.S. and allies could be doing to nudge the perpetrators and future perpetrators of these violations? I'll yield.

Thank you.

MS. BOYAJIAN: I think one of the complications to unifying sanctions is just that you have slightly different versions in all these 30 plus countries that I mentioned.

So if you were to ask me to pick one thing that they would all do as a start, you know, the hope would be that they all align and that they are all as strong as a more robustly reauthorized U.S. version.

But the one thing I would say is this requirement that the government consider

information submitted by civil society, nobody knows better who the violators and corrupt folks are than folks on the ground living in those countries.

And so these are the voices we should be listening to and listing up, and I will stop there because I have plenty I could say on other measures, but I know my colleagues do as well.

COMMISSIONER KHAN: Thank you.

MR. ANDREWS: I think it's a terrific question, Commissioner Khan, but let me say, first of all, there are many, there are a variety of ways that we can go about this. One way is to actually convene coalitions of countries together to discuss how collaboratively these sanctions can link up, the targets that could be most effective, and to listen together to the voices on the ground who are obviously in the best position to identify where these targets should be, should be set.

I don't think we do that enough. I don't think that kind of open collaboration is something

that we see enough of and that we should be seeing more of.

Another tool in our tool box, though, besides sanctions is I know that the government of Burma craves legitimacy, and when it's denied legitimacy, it has an impact. So right now, for example, the ASEAN network of nations is having a summit, and it has excluded Min Aung Hlaing from attending that summit.

When that announcement was made last week, within 24 hours, over 5,000 political prisoners were released. Now, many of them have been rearrested so this is not a panacea, but the fact that that happened, and it elicited that kind of response, is encouraging.

Another example is our national, the U.S. National Security Adviser met yesterday with representatives of a national unity government, the opposition government. Again, that is a very important step in the right direction. It is showing that we understand and respect these

opposition voices and are going to work in collaboration with them, again, a very important step that we can as a nation, that the United States can and should be taking. But a very good question.

MS. GUDZOWSKA: Happy to add completely agree with my co-panelists, and just to add another thing that can be done is corporate transparency goes hand-in-hand with sanctions; right? We saw with the Pandora Papers and other leaks that, you know, people, officials, including some sanctioned officials, oligarchs, use shell companies to hide their money.

If we don't know who owns these companies, we cannot tell if they're owned by sanctioned persons or not. So corporate transparency is very important to the effectiveness of sanctions, and the U.S. should, you know, be a leader on that as well.

MR. WEBER: Yes, I can respond on that first question related to multilateral sanctions.

I think others have already made the case for why these are useful and more effective than just the United States pursuing sanctions alone. In addition their greater impact and sort of the greater international legitimacy that those sanctions tend to have, they may also help engender greater political will among some governments to pursue action that they might otherwise be more reluctant to do on their own.

So I don't think it's a coincidence perhaps that the sanctions against China were the first such sanctions that some of our allies have pursued against China in a very long time.

But to your question, there are certain obstacles, I think, that can sort of impede that ability to pursue multilateral sanctions, and one of the other witnesses already noted one of them. It's just the scope of the different sanctions regimes vary between the United States, the EU, and other partners.

The EU sanctions regime, for example,

doesn't include a corruption prong. It only has human rights.

But there have been sort of recommendations for improving coordination, notwithstanding these challenges. There's also challenges potentially with information sharing as well, given that sometimes the information was obtained through means that can't be easily shared across governments.

But there's recommendations to sort of have more routinized institutionalized mechanisms for information sharing toward the goal of improving coordination. That's something that some outside observers have recommended, and I believe the Senate pending reauthorization bill actually would encourage the President to establish some sort of mechanism along those lines.

So it is something that the advocates for the law have been pushing for, and it's something that Congress is looking at as well.

Thank you.

CHAIR MAENZA: Thank you so much.

I know we're about to wrap up, but I did want to open the floor to any recommendations you had for USCIRF, how to better use--obviously, we make recommendations in our report, as you know, to the countries that we cover for the U.S. government--excuse me--about the countries we cover. We'd love to hear your ideas, recommendations.

Obviously, you know that we reauthorize and make permanent the Global Magnitsky, and I mentioned some in my opening remarks, but I certainly would welcome your recommendations for how USCIRF can better make recommendations regarding sanctions.

MR. BREEN: I'd just underscore the point that's been made a few times, that really engaging with civil society in the countries in question is--it's been said a number of times, and I think it's absolutely true, the best information, the best judgments, the best conversations, and ultimately

the best results will be attained in very close partnerships with those on the ground, those who are living these realities.

That is, I think, the key to success. The program so far has been very respectful of that. Certainly, you know, our hard work and our engagement in this is entirely based on those relationships and supporting them. And I think the more the Commission can engage in that way, the more successful the program will be, and the more impactful the Commission.

CHAIR MAENZA: Thank you.

MS. GUDZOWSKA: I would add to that, also engaging with the private sector. Sometimes when governments are not willing to act, the private sector can act more quickly if you make clear to them that there is reputational risk related to not stopping what they're doing or doing business with certain bad actors. Even if those actors are not designated or there isn't the political will to sanction them, the financial sector, the private

sector can act on their own more quickly than governments.

MS. BOYAJIAN: I'd just add two very briefly. I agree with what has been said. One is sometimes we are seeing, particularly in Europe, some overcompliance due to de-risking. So just being aware of that and making sure that that is not negatively impacting civil society and human rights defenders who may be from those sanctioned countries and then having difficulty to access their funds, as you heard me mention in my testimony.

And then the other I'd actually broaden out some sanctions, which would be just really looking at the full scope of other U.S. foreign policy actions. You know, all of us, USCIRF included, believe that it needs, sanctions need to be coordinated with other action.

So how are our other foreign policy initiatives, like scholarship programs, potentially helping or hurting religious minorities? I think

that bears a lot of room for research to be done on that.

CHAIR MAENZA: Great. Thank you. Any others?

All right. Gosh, there's so many more questions I have. I wish we had a few more hours to talk with you about it, but I want to say thank you to our distinguished panelists for the important testimony that you gave and your continued work on this important topic.

And, of course, thanks to my commissioners and to the professional staff for the excellent job putting this together, and thanks, of course, to those of you that are watching. We'd encourage you to go to uscirf.gov and look at our 2021 Annual Report where we make recommendations about sanctions for quite a few countries.

And also some of the other hearings that we've done. This is work that we've covered that so much of it is interrelated to the topic today. So again thanks to all of you, and I look forward

to continuing to work with you.

[Whereupon, at 12:00 noon, the hearing was
adjourned.]