

Freedom of Expression in Asia: Key trends, factors driving decline, the role of China, and recommendations for US policy

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Introduction

Senator Markey, Senator Romney, and members of the Subcommittee, thank you very much for the opportunity to speak to you on this topic that affects billions of people and with such incredible co-panelists. I apologize for being unable to join you in person.

In this testimony, I plan to address six dimensions of today’s topic, specifically:

- 1) Key trends for freedom of expression in Asia
- 2) COVID-19 and other factors driving declines
- 3) The role of China
- 4) The bright spots
- 5) What to watch for in the coming year
- 6) Recommendations for US policy

Key trends for freedom of expression in Asia

Given the title of this hearing, it will not be a surprise that the **most notable trend related to freedom of expression in Asia is how much it is declining**. This shrinking space is not limited to a small number of countries or only part of the region. It cuts across subregions, across regime types, and across different forms of expression, affecting press freedom, internet freedom, academic freedom, religious freedom, private discussion, and freedom of assembly in both democracies and authoritarian regimes. Data from Freedom House’s *Freedom in World* and *Freedom on the Net* reports confirm what many observers sense intuitively:

- In the 2022 edition of [Freedom in the World](#) five out of 29 countries and territories in Asia experienced a decline on free expression-related indicators, none showed

improvement. These locations were **Myanmar, Afghanistan, the Philippines, Singapore, and Hong Kong.**

- In the 2021 edition of [Freedom on the Net](#) six out of 16 countries assessed in Asia experienced a decline in internet freedom: **Bangladesh, India, Indonesia, Myanmar, Pakistan, and Sri Lanka** (Afghanistan and Hong Kong are not assessed in *Freedom on the Net*)
- These declines are not limited to one year, looking at the past five years – **12 out of 15 countries** in the region scored lower in 2021 than they did in the 2016 edition of *Freedom of the Net*.

The assault on freedom of expression in the region has taken numerous forms but three dynamics stand out as having occurred in multiple countries across the region, and indeed, around the globe:

- 1) Adoption and enforcement of new restrictive legislation:** Governments in 7 out of the 16 Asian countries assessed in *Freedom on the Net* pursued new rules for tech companies on content, data, and competition between June 2020 and May 2021. While some of these pieces of legislation aimed to better protect users, many of them—like those in **China, India, Indonesia, Myanmar, and the Philippines**—increased censorship or punishment of users for online expression. In **Hong Kong**, which is not independently assessed in *Freedom on the Net*, the new National Security Law forced on the territory by Beijing in June 2020 increased criminalization of political speech and independent reporting dramatically, resulting in dozens of prosecutions, shuttered news outlets, and fleeing journalists.
- 2) Severe legal penalties for online and offline expression:** These new laws and pre-existing regulations have been deployed to punish a wide range of expression online and offline. This includes posts, videos, and publications related to electoral campaigns, political protests, or criticism of top leaders, but also about topics like public health, religious faith, and mundane daily communications. The lengths of sentences handed down in some cases is striking, exceeding 10 years. Many of those sentences subsequently suffer bodily harm in custody due to torture, poor conditions, or denial of medical treatment, sometimes resulting in death. For example:
 - a. Authorities in **Thailand** sentenced a former revenue officer to a staggering 43 years in prison. She was convicted of violating the country’s draconian lèse-majesté laws by criticizing the monarchy in social media posts.
 - b. In **Vietnam**, a journalist for an online news outlet was sentenced to 15 years in jail. The government charged him with disseminating anti-state propaganda in his articles.
 - c. In **China**, in July 2020, property tycoon and CCP member Ren Zhiqiang was sentenced to 18 years in prison after publishing an online critique of Xi Jinping’s response to the pandemic.

Although these are some of the most egregious examples, the problem is regionwide. **In 15 out of 16 Asian countries assessed in *Freedom on the Net 2021*, an internet user was sentenced to prison for political or social content.** In 10 countries, a blogger or internet user was physically attacked or killed, including in custody. Even in more democratic settings, citizens face legal reprisals for their activism. An environmental activist in **India** was arrested for sedition in February 2021 because she shared a Google Doc on social media on how to support a protest movement for farmers' rights, a crime that carries a maximum penalty of life imprisonment.

3) Disproportionate impact on ethnic and religious communities: In many countries in the region, even as crackdowns have occurred that affect the entire population, measures taken to restrict and punish expression often targets marginalized ethnic and religious communities more severely.

a. In **China**, censorship and surveillance is more stringent in ethnic minority regions like Xinjiang and Tibet, while content about these and banned religious groups like Falun Gong that departs from the official narrative is consistently and systematically censored throughout China. Over the past year, app stores have tightened restrictions on Tibetan and Uyghur languages, as well as ones with content from the Bible. New regulations that went into effect on March 1 ban the transmission of religious content online without a government licenses. Legal penalties are also especially harsh. Many of the over one million Uyghurs held in mass detention or forced labor facilities were detained due to their online activities, including being sentenced to over 15 years in prison for simply communicating with Uyghurs outside the country. In February 2021, Tibetan Kunchok Jinpa died in a Lhasa hospital while serving a 21-year prison sentence for “leaking state secrets” after being detained in 2013 for providing information to overseas websites about protests in Tibet. Numerous Falun Gong practitioners throughout China have been jailed in recent years for up to 12 years for posting messages about the spiritual group or human rights abuses on social media, accessing banned websites, possessing or sharing prohibited VPN technology, or simply speaking to fellow citizens in public places.

b. Prior to the coup in **Myanmar**, the government had imposed one of the world's longest internet disruptions at a subnational level. Between June 2019 and February 2021, the authorities cut off mobile internet for over a million people in parts of Rakhine State and Chin State—areas where the military has conducted crackdowns, first against the Rohingya, and more recently against the Rakhine ethnic group. The government had also launched a campaign of censorship and surveillance targeting activists and journalist who covered the Rohingya crisis.

c. The **Indian** government frequently restricts internet access in Jammu and Kashmir. For example, between August 2019 and January 2020, the state

administration ordered the longest internet shutdown in India—a total of 213 days. This followed the Indian government’s abrogation of Article 370 of the Indian Constitution, which provides special status to the state.

- d. In **Indonesia**, internet disruptions in the Papua region were reported on three separate occasions that coincided with events related to Papuan independence in 2020 and 2021. Members of civil society suspect that these disruptions may have been deliberate and ordered by the government, though the government or telecommunication providers have not confirmed this.

Notable declines in key countries

Although declines in free expression have occurred in multiple countries in Asia, four stand out for the scale and significance of deterioration:

China, including Hong Kong: China is home to the most sophisticated and multi-layered apparatus of information control in the world. In the latest addition of *Freedom on the Net*, the government was the worst abuser of internet freedom for the seventh consecutive year. China’s own score has declined from 17 to only 10 out of 100 points over the past decade, reflecting how much more repressive and restrictive China’s authoritarian regime has become in recent years. The ruling Chinese Communist Party (CCP) has tightened its control over the state bureaucracy, the media, online speech, religious groups, universities, businesses, and civil society associations, and it has undermined its own already modest rule-of-law reforms. Ordinary users continue to face severe legal repercussions for activities like sharing news stories, talking about their religious beliefs, or communicating with family members and others overseas. Authorities have also yielded their immense power over the tech industry through new legislation, regulatory investigations, and administrative fines for alleged misuse of data or insufficient enforcement of censorship protocols. The closure of space for independent media and free expression has been much more dramatic in **Hong Kong**, where journalists and internet users had previously enjoyed a significantly greater degree of freedom than their Mainland counterparts. The implementation of the National Security Law (NSL) since its adoption in 2020 has amounted to a multifront attack on Hong Kong’s previous autonomy and fundamental freedoms. The territory’s most prominent prodemocracy figures have been arrested under its provisions, and NSL charges or the threat of charges have resulted in the closure of dozens of political parties, major independent news outlets, peaceful nongovernmental organizations (NGOs), and unions. The territory’s score on *Freedom in the World* has dropped 12 points (falling from a 55/100 to 43/100) over the two years since the NSL was adopted.

India: Although India is a multiparty democracy—the world’s largest—the government led by Prime Minister Narendra Modi and his Hindu nationalist Bharatiya Janata Party (BJP) has presided over discriminatory policies and a rise in persecution affecting the Muslim

population. The constitution guarantees civil liberties including freedom of expression and freedom of religion, but harassment of journalists, nongovernmental organizations (NGOs), and other government critics has increased significantly under Modi, who assumed the premiership in 2014. Internet controls have also increased. Internet access was cut off repeatedly throughout January and February 2021 as farmers took to the streets to express their opposition to agricultural reform bills. One shutdown in Delhi affected more than 50 million mobile subscribers. A new law adopted in February 2021 requires major social media platforms to comply with takedown orders about a broad array of content from a court or government authority within 36 hours or face criminal liability. The law also requires major social media platforms to use AI-based moderation tools to monitor users' posts and appoint three in-country representatives. In the 2021 edition of *Freedom in the World*, India's status declined from Free to Partly Free as a result of changes to the legal framework that increased punishments for citizens engaging in critical discussion online.

Myanmar: After years of improvements and cautious hope, the February 2021 coup brought the junta and its abuses back in full force. Internet freedom plummeted by 14 points in Myanmar—the largest one-year decline ever recorded in *Freedom on the Net*—after the military refused to accept the results of the November 2020 general elections and launched a deadly coup in February 2021. Internet connectivity was cut off every night from then until April. Mobile services were suspended entirely beginning in March, leaving only fixed-line and wireless broadband services available to users during the day. After opposition to the coup gathered force online and overflowed into the streets, the junta also blocked social media, stripped the licenses of independent online news outlets, forced service providers to hand over personal data, and seized control of the telecommunications infrastructure. Protesters and ordinary users alike suffered physical assaults and enforced disappearances in retaliation for their online activities.

Afghanistan: Afghanistan's elected government, which had been undermined by an insurgency waged by the Taliban as well as violence, corruption, and flawed electoral processes, nevertheless offered a wide range of individual rights. However, it collapsed in August 2021 as the United States withdrew its military presence in the country and the Taliban overthrew the elected government. Since taking power, the Taliban has closed the country's political space and opposition to its rule is not tolerated. In September, it reconstituted a Ministry of Vice and Virtue (MVV), which had enforced their interpretation of Sharia (Islamic law) under their previous regime. The new regime has also violently suppressed demonstrations, restricted private discussion perceived as critical of its rule, limited educational opportunities for female students, and targeted supporters of the former government. Its score on *Freedom in the World* dropped 7 points (from 17/100 to 10/100) in 2021.

COVID-19 and other factors driving declines

What is driving these declines? Given what has occurred around the world over the past two years, it is evident that the COVID-19 pandemic has played a vital role.

As COVID-19 spread globally throughout 2020 and 2021, governments across the democratic spectrum in Asia and elsewhere repeatedly resorted to excessive surveillance, discriminatory restrictions on freedoms like movement and assembly, and arbitrary or violent enforcement of such restrictions by police and nonstate actors. Governments throughout the region increasingly used arrests to crack down on free speech during the COVID-19 pandemic. Indirectly, the pandemic allowed authoritarian forces to further consolidate their control of government institutions, setting the stage for these forces to more easily restrict expression, speech, and assembly in the future:

- In **India**, the government's response to COVID-19 included encouraging the scapegoating of Muslims, who were disproportionately blamed for the spread of the virus and faced attacks by vigilante mobs.
- In the **Philippines**, amidst of a heavy-handed lockdown in 2021, the authorities stepped up harassment and arrests of social media users, including those who criticized the government's pandemic response.
- **Cambodia's** authoritarian prime minister, Hun Sen, presided over the arrests of numerous people for allegedly spreading false information linked to the virus and criticizing the state's performance.
- In **Indonesia**, military figures were appointed to leading positions on the country's COVID-19 task force, and the armed services provided essential support in developing emergency hospitals and securing medical supplies. In recent years, observers have raised concerns about the military's growing influence over civilian governance, and its heavy involvement in the health crisis threatened to accelerate this trend.
- In **Sri Lanka**, the government of Prime Minister Mahinda Rajapaksa stepped up efforts to control independent reporting and unfavorable speech by ordering the arrest of anyone who criticizes or contradicts the official line on the coronavirus.
- In **China**, alongside broad censorship and intensified surveillance, hundreds of people were arrested for speech relating to COVID-19. For instance, a Shanghai court sentenced lawyer turned citizen journalist Zhang Zhan in December 2020 to four years in prison for "picking quarrels and provoking trouble." Zhang had covered the COVID-19 outbreak in Wuhan. She had uploaded more than 120 videos to YouTube prior to her arrest in May 2020. Jailings linked to COVID-19 have continued into 2022. Xu Na, a Falun Gong practitioner and artist whose husband was killed in police custody in 2008, was sentenced to eight years in prison in January for sharing information about the state of the pandemic in Beijing in the run-up to the Winter Olympics.

Beyond COVID-19, three other factors have also contributed to the decline in meaningful ways, all of which will extend beyond the pandemic:

- 1) **Elections and other political leadership transitions:** Freedom House’s research has repeatedly found that restrictions on speech—both online and offline—tend to escalate before and during crucial moments of political crises, including pivotal electoral contests and authoritarian leadership transitions. These include intensified arrests of political and civic activists, blocked websites, internet shutdowns, cyberattacks, and both domestic and cross-border disinformation campaigns. A *Freedom on the Net* analysis of elections held between June 2018 and May 2020 found that among countries in Asia, domestic digital interference in elections had occurred in **Bangladesh, Cambodia, India, Indonesia, Pakistan, the Philippines, Sri Lanka, and Thailand**. There is a long track-record in **China** of internet controls intensifying around sensitive political anniversaries or leadership transitions, such as the five-year party congresses. Even after electoral or other factional contests end, as leaders consolidate their political power—including with strong parliamentary majorities in democratic settings—they may be emboldened by the reduced risk of pushback for cracking down on dissent and wish to take advantage of the opportunity before the next moment of political contestation.
- 2) **Repressive responses to mass protest movements:** Several of the locations that have faced the greatest pressure on free expression in recent years had experienced mass protest movements calling for political change or challenging proposed or enacted repressive policies. These include more closed political regimes like in **Thailand** and **Myanmar**, mid-range performers like **Hong Kong**, and democracies like **India** and **Indonesia**.
- 3) **Increasing surveillance facilitating prosecutions:** As more sophisticated and pervasive surveillance technologies proliferate in the region, this facilitates crackdowns on dissent. Political opponents, activists and ordinary citizens who share disfavored news or commentary on political, social, and religious topics are more likely to be identified and prosecuted than previously. What could have slipped through the cracks before, no longer does, making it easier for security forces and prosecutors to detain, arrest, and sentence citizens for non-conforming speech that previously would have escaped punishment. This is evident from the details of individual cases, including court verdicts that cite private online communications or video surveillance in public places as evidence used for convictions.

The role of China

As noted above, many of the factors driving declines in the region relate to broader domestic or even global dynamics. Nevertheless, as the world’s largest authoritarian regime and a major economic power in the region, the Chinese party-state and related actors do have an

impact on free expression beyond China's borders and throughout the region. This is evident in several ways:

- **Beijing's own media influence activities abroad:** In January 2020, Freedom House published a report entitled *Beijing's Global Megaphone*, which outlined the toolbox deployed by the CCP, state media, and various proxies to influence news reporting around the world via propaganda, disinformation, censorship, and control over content dissemination infrastructure. The study found that hundreds of millions of people around the world and in multiple languages are consuming news influenced by CCP narratives and direction, often without being aware of the party-state origins. There are numerous cases from across Asia that illustrate this phenomenon and how it affects news consumed by residents: Xinhua content-sharing agreements in multiple countries, strong influence over Chinese-language media serving the diaspora, CCP anti-poverty propaganda placements appearing in **Indonesia**, a dismantled Facebook disinformation campaign in the **Philippines** that promoted politicians favorable to China, multiple sophisticated disinformation campaigns targeting **Taiwan** (including ones attempting to influence electoral outcomes), prosecution in **Thailand** of a man for aiding uncensored radio broadcasts into China, and advantageous access to Chinese state television stations on digital television networks built by Chinese firms in **Cambodia**. Freedom House is currently working on a new project to map Beijing's global media influence and local resilience in 30 countries, including six in Asia. The report, with accompanying scores and in-depth country case studies will be published in September 2022.
- **Export of surveillance equipment:** Although Chinese firms like Huawei, ZTE, Dahua and others sell their products, including sophisticated and artificial-intelligence driven surveillance technologies, to governments worldwide, they have also found an eager market in Asia. A study by RWR Advisory, a Washington-based advisory, whose findings were analyzed in a June 2021 report published in the [Financial Times](#) found that at least 11 countries in Asia had signed "smart city" or "safe city" project agreements with Chinese equipment vendors since 2013. Other than **South Korea**, which is rated Free, the other ten countries are rated as either Partly Free or Not Free in *Freedom in the World*. According to the data, **India** had signed the largest number of contracts, estimated at ten. Other countries in the region with at least one contract were **Bangladesh, Cambodia, Indonesia, Malaysia, Myanmar, Pakistan, the Philippines, Sri Lanka, and Thailand**. As noted elsewhere in this testimony, many of these countries have experienced increased political, media, and information restrictions in recent years, heightening the likelihood that these technologies could be used by political leaders to monitor, identify, and punish opponents, civic activists, or other government critics.
- **Normalization of digital repression:** By constructing the world's most sophisticated and multi-layered apparatus of information control, the CCP has demonstrated that such a project is possible. Even as other authoritarian leaders in the region and beyond may not always have the technical prowess and resources to fully mirror Beijing's controls,

there are examples of them appearing to attempt it. This has been evident in recent years in **Cambodia**, where the government is seeking to centralize internet infrastructure in order to expand its technical capacity for censorship; and in **Vietnam** with the Cybersecurity Law and the decision of the Communist Party's general secretary to pursue a third term, similar to what his Chinese counterpart Xi Jinping will be doing this November. More broadly, the 2018 edition of *Freedom on the Net* found that in addition to Cambodia and Vietnam, five other countries in the region (**the Philippines, Singapore, Myanmar, Indonesia, and Thailand**) had sent media elites or government officials for trainings in China on new media or information management. Such trainings have slowed during the pandemic but are likely to pick up frequency again in the coming years.

When considering Beijing's influence on human rights and freedom of expression in Asia, it is important to consider the agency and role of local political actors. Some actions by Beijing are direct in their impact on citizens of other countries. But often, the influence is indirect. In many instances, the most pernicious effects can be how PRC-based actors collaborate with or strengthen local illiberal actors in the political, security, or media sector, pressing on the scales to tilt the balance in a less democratic, more authoritarian direction. This dynamic and the ability of local media and civil society to push back against such collaboration vary in form and magnitude depending on a country's own level of freedom and democratic governance.

The bright spots

The news is not all bad. There are several more optimistic trends that demonstrate the extent to which the future trajectory for free expression in Asia is very much contested. Four points are worth highlighting:

- **Strong performing countries:** Alongside the worst abuser of media and internet freedom globally, Asia is also home to some of the world's freest press and internet freedom landscapes – notably **Japan** and **Taiwan**, which scored 76/100 and 80/100, respectively in the 2021 edition of *Freedom on the Net*. In both democracies, there are few obstacles to internet access, a lack of website blocks, and a legal framework and independent judiciary that provide strong protections for various forms of expression. People can freely use the internet to mobilize, and netizens regularly do so. In Taiwan, civil society, the tech sector, and the government have taken innovative action to counteract the impact of disinformation campaigns originating from China. Both did register some gaps, however, with reports emerging in **Japan** of online harassment and intimidation, particularly against women, individuals with at least one Black parent, and medical personnel. In **Taiwan**, besides the effects of information warfare from China, criminal prosecutions for online activities and concerns over disproportionate surveillance are viewed as potential threats to internet freedom. Although rated Party Free, **South Korea** is another regional democracy with a relatively high degree of

internet freedom (67 / 100 on *Freedom on the Net 2021*). Moreover, both Japan and South Korea have registered a three-point score improvement since 2019, despite the pressures placed on internet freedom by the COVID-19 pandemic.

- **Role and resilience of civil society:** Journalists, independent news outlets, and various civil society groups are playing a critical role in defending free expression. In more democratic settings, press and internet freedom NGOs, academic institutions, and grassroots activists investigate and expose violations of free expression, advocate for passage of protective laws and against adoption of restrictive legislation, and seek innovative responses to emerging threats, at times collaborating effectively with the private sector as well as government agencies. Even in countries led by brutal regimes, citizens continue to speak out against abuses, taking action to try to protect others in their society and enhance freedom, often at risk to their own freedom, lives, and families. In **Vietnam**, candidates in tightly controlled elections posted videos online declaring a desire to represent other citizens knowing they would be detained and likely imprisoned as a result. In **Myanmar**, civic protest and resilience have meant that the junta has been unable to fully legitimize its rule and consolidate power. In **China**, much of what is known about vital topics such as the early days of the COVID-19 pandemic in Wuhan, the scale and nature of mass internment of Uyghur, Kazakh, and other minorities in Xinjiang, and ever-expanding restrictions on freedom in Hong Kong is due in large part to reporting by local journalists, citizen reporters, and refugees who have spoken out despite threats to family still in China.
- **Protection by courts:** In many countries, the courts have served as a bulwark to growing restrictions on freedom, upholding free expression and at times, overturning repressive legislation. In January 2020, **India's** Supreme Court ruled that internet access is a human right, in an order that imposed some constraints on internet shutdowns across the country but did not bar them outright. In **Japan**, courts have upheld strict criteria for delisting search results on major platforms. Courts in **South Korea** overturned a law that required people to register with their real names to comment online during elections periods, affirming the importance of online anonymity. Though **Thailand's** judiciary suffers from politicization, corruption, and lack of independence, the courts have rejected several government requests to block content critical of the authorities, such as an online outlet broadcasting footage of the youth-led antigovernment protests. Several of these cases were pushed forward by civil society groups working with lawyers to proactively seek legal avenues to defend online rights.
- **Limits of Beijing's influence:** While Beijing's growing investment in foreign media influence has yielded some gains, the campaign has also encountered obstacles such as journalistic integrity and public skepticism about state-run media. In fact, the past four years have featured a wave of pushback. In many countries, including in Asia, governmental and nongovernmental actors alike have come to recognize the threat that CCP media influence poses to democratic freedoms and structures. Resistance has come

from the media industry itself, as well as policymakers, the technology sector, and civil society. In terms of public opinion, surveys and academic studies indicate that in the initial years of state media expansion, views on China and Xi Jinping personally improved, including in parts of Asia. Since 2015, however, the percentage of the population expressing a favorable view of China in Pew surveys has declined—sometimes precipitously—in influential regional players like **Indonesia**, the **Philippines**, and **India**. Although it is difficult to isolate the precise cause, the dip has coincided with Beijing’s more aggressive actions in the South China Sea and its border with India, the regime’s program of mass detention in Xinjiang, and the PRC government’s dramatic moves to curtail freedom and autonomy in Hong Kong.

Looking ahead

As we look ahead to the coming year and beyond, several occurrences could further exacerbate the pressure on media and internet freedom in Asia. Any actions that local authorities, civil society and foreign actors like businesses and democratic governments can take to pre-emptively prepare for these would maximize protection for free expression and limit the effects of predictable restrictions.

- **Upcoming politically sensitive contests:** Several democracies in the region have elections scheduled for this year that could heighten domestic crackdowns and disinformation campaigns, as well as potential foreign interference, including from China. Events to watch for are the **Philippines’** elections in May over who will succeed current president Rodrigo Duterte; **India’s** presidential elections in July, alongside local elections throughout the year; and **Taiwan’s** local and municipal elections in November. The last set of these elections in 2018 were the focus of Beijing’s first aggressive, and arguably successful, disinformation operation to influence electoral outcomes in Taiwan. Notably, this year’s polls coincide with the Communist Party in **China’s** own 20th Party Congress, where Xi Jinping will seek—and barring an unexpected crisis, be approved for—a controversial third term.
- **Reverberations from Russia’s invasion of Ukraine:** Although the countries of Asia are geographically far from Ukraine, Russia’s invasion of the country and its economic reverberations are already reaching the region. Countries like **Bangladesh** are feeling the pinch in their energy and food supplies. Others are indirectly impacted by the negative effects on the global economy, such as reduced exports and market volatility. Should the invasion negatively affect economic performance in the region or raise prices on vital commodities like energy and food, this could drive public outcries and street protests. As noted above, when political leaders are put on the defensive by civic mobilization, some have responded with stronger restrictions on assembly, independent media, and internet freedom, including via localized network blackouts. In **China**, the regime has superficially claimed neutrality, but its state media have been feeding local

audiences pro-Russian propaganda and disinformation, including virulently anti-American narratives, while aggressively censoring content departing from the official party line, including video broadcasts by a Chinese citizen residing in Ukraine. This manipulation further reinforces the information isolation of Chinese news consumers relative to the rest of the world and can radicalize perception of the United State and the threat it could pose to China. On the other hand, Russia's invasion has offered a case study for how a unified strong response from Western and some Asian democracies is possible, as well as how challenging an invasion of Taiwan could be militarily and economically for China.

- **Beijing's influence over tech and content dissemination infrastructure:** China-based companies with close ties to the CCP and often a track record of politicized surveillance and censorship within China are playing a meaningful role in the technological infrastructure of many countries in the region. This spans not only telecom infrastructure, like Huawei routers in 4G and 5G mobile phone networks, but also digital television in countries like **Cambodia, Laos, Pakistan, and East Timor**. Importantly, social media platforms like Tencent's WeChat and Bytedance's TikTok are immensely popular, while news aggregators owned by China-based companies have also gained a notable footprint in countries like **Indonesia**. Sporadic investigations in recent years have revealed that in some instances at least, this infrastructural control has been used to amplify pro-Beijing content or subdue disfavored voices or content providers. To date, these attempts have not been systematic or widespread and some have been reversed following exposure. But as Beijing's footprint expands, China's regime increases pressure on its own tech sector at home, and authoritarian leaders in the region seek tools to suppress political opposition, the control by China-based companies over key nodes in the information flow could be activated to threaten free expression in much broader and politically significant ways.

Recommendations

The United States and various agencies already employ various diplomatic, programmatic, and other measures to support free expression, independent media, and internet freedom in Asia. Nevertheless, the scale, severity, and urgency of the problem requires more attention and resources, not only monetary. The enormity and complexity of the challenge requires strategic thinking. Authoritarian regimes like China's have proven adept at thinking two steps ahead, building structures of influence and economic leverage that can be activated later to serve their agenda. The United States and other democratic governments need to be thinking in similarly calculated ways, proactively responding and preparing BEFORE crises happen. The following are several recommendations for actions that the United States government—including Congress—can take to protect and advance freedom of expression in Asia.

1) Address threats to independent media, internet freedom and free expression as part of high-level bilateral engagement: US officials traveling to the region, should consistently raise the issues of press freedom and internet freedom in public and in private meetings with their counterparts, including at the highest levels. In these interactions, US officials should:

- a. Urge the release of imprisoned journalists and free expression activists. Even where such pressure may not secure their release, it is likely to improve treatment in custody and reduce the risk of torture.
- b. Raise concerns about any pending legislation that could intensify censorship, surveillance, or criminal penalties for political, social, and religious topics.
- c. Voice concerns over restrictions on free expression during meetings and trips related to economic and security policy, including by officials such as the Secretaries of Treasury, Commerce, and Defense, addressing the financial and security implications of reduced free expression.
- d. Explore avenues for speaking to publics in Asia directly. Communicate factual information and policy statements directly to local audiences via social media posts, “town hall” meetings, and embassy websites. When leaders visit the region, insist on unimpeded foreign media access and opportunities to speak to domestic media without filters.

2) Focus support for independent media and civil society on efforts that will sustain operations, evade censorship, and preserve the public record:

- a. As part of the United States’ Summit for Democracy commitments, several promising new initiatives were announced, including a multi-donor International Fund for Public Interest Media and a Media Viability Accelerator. These should be used, along with other available funding, to scale up efforts to support independent media in Asia— including public-interest journalism and exile media—through financial assistance and innovative financing models, technical support, skills training, and mentoring.
- b. Another initiative announced at the Summit – a Multilateral Surge and Sustain Fund for Anti-Censorship Technology – should be used to expand funding for groups that develop and disseminate tools to enable users to securely access blocked websites, including from mobile phones. This fund should also deploy opportunities for emergency funding to civil society and media outlets for rapid activation ahead of or during moments of crisis or political turmoil when threats to free expression and citizen demand for credible information typically spike.
- c. Funding for media freedom should also support efforts to monitor, preserve, and recirculate censored content within countries that have high levels of censorship, including news articles and social media posts on political, social, and religious topics that have been deleted.
- d. Funding should also include programs that provide support for legal advocacy and public interest lawyering on these issues, including trainings for civil society on best and worst practices for online content regulation.

- e. US government efforts should support research and monitoring initiatives, including on how emerging technologies are and could negatively impact freedom of expression. These should also include efforts to track control exercised by China-based companies over content infrastructure abroad and how or if this is being used to amplify or marginalize certain content or information providers in alignment with CCP priorities.

3) Deploy targeted sanctions for egregious abuses and provide funding for vetting:

Utilize targeted sanctions as part of a comprehensive strategy of accountability for human rights abusers, including those engaged in violations against journalists, internet users, and religious believers. Such sanctions are not a standalone solution, but they remain a powerful mechanism for deterring harmful behavior and reducing impunity. Multilateral sanctions are most effective. Whenever possible, the United States should coordinate its efforts and jointly impose sanctions on perpetrators alongside other democratic nations for maximum impact, as has been done in recent cases related to Myanmar, Hong Kong, and Xinjiang.

- a. The Global Magnitsky Human Rights Accountability Act (22 USC 2656 note), which allows for visa bans and asset freezes on individuals and entities engaged in human rights abuses and corruption, has been one of the United States' most impactful sanctions regimes. Congress should pass s.93, which eliminates the December 23, 2022, sunset and codifies key portions of Executive Order 13818, which enables the United States to impose sanctions for "serious human rights abuses." This term encompasses a greater number of abuses than the more restrictive threshold of "gross violations of human rights," the standard included in the Global Magnitsky Act in its original form.
- b. Global Magnitsky is one of the most powerful targeted sanctions options, but country-specific regimes, and visa bans under section 7031(c) of the State Department appropriations bill or the Immigration and Nationality Act can also be impactful, as can targeted sanctions options for countries designated as religious freedom violators or countries of concern under the International Religious Freedom Act.
- c. The US Congress and executive branch should work together to ensure robust funding for the enforcement of targeted sanctions programs. The US Department of the Treasury, Department of State, and Department of Justice all collect information about suspected perpetrators of abuses who are eligible for sanctions. Unfortunately, the number of potential sanctions cases to be vetted by the US government exceeds current capacity. Congress has provided funding for sanctions implementation and enforcement, but funding for additional staff would help reduce the backlog of cases that have yet to be vetted.

4) Pass legislation focused on advancing press freedom globally. Freedom House would particularly urge consideration of two bills with broader relevance: the Global Press Freedom Act (S.204) introduced by Senators Brian Schatz (D-HI) with support from

Todd Young (R-IN) and the International Press Freedom Act (S.1495), introduced by Senator Tim Kaine (D-VA) with support from Senator Lindsey Graham (R-SC). Both are bipartisan bills that would help prioritize press freedom within U.S. foreign policy, including in Asia. They would create an office focused on press freedom in the Department of State, and S.1495 adds special visas and funding for journalists at risk.

Conclusion

Despite the ever-escalating efforts to restrict journalists and limit citizens' access to information throughout Asia, steps like those cited above by the United States and other international actors can have a real-world impact, a dynamic Freedom House has observed repeatedly in our work. I have personally interviewed several prisoners from China who were the subject of rescue campaigns and testified to better treatment, less torture in custody, and sometimes early release thanks to international pressure.

In addition, as part of the *China Media Bulletin* project, we have been working with partners who run circumvention tools that channels garner millions of impressions each month and bring tens of thousands of readers from inside China to the bulletin. This is just one example of the eagerness with which a notable contingent of people in Asia—even in one of the region's most repressive environments—are actively seeking out uncensored, credible information about their country and the media controls in place.

Each year, we conduct a survey among Chinese readers of the bulletin. I would like to conclude with a quotation from one of those readers as a testament to the importance of international support for free expression and access to information in China and other countries in the region.

I am a lower class worker in Chinese society and I don't speak English. An independent Chinese media like you, that does in-depth reports about the situation in China, gives me a better understanding of China's current situation and future development. And it also helped my personal life and work. On a macro scale, China is the largest authoritarian country in the world, the Chinese Communist Party oppresses its citizens, blocks information flows, and also threatens the existing world order. I think the flow of information and freedom of speech are very important to China's future development. Birds in cages long to fly, even if we can't fly out now, hearing the chirping of birds outside can still give us hope and faith!

Appendix: Table of *Freedom in the World 2022* and *Freedom on the Net 2021* ratings, status, and one-year trajectories for countries and territories (marked with an *) in Asia

Country	FIW 2022 Score, Status	FIW 2022 one-year trend	FOTN 2021 Score, Status	FOTN 2021 one-year trend
Afghanistan	10, Not Free	↓	N/A	
Bangladesh	39, Partly Free	–	40, Partly Free	↓
Bhutan	61, Partly Free	–	N/A	
Brunei	28, Not Free	–	N/A	
Cambodia	24, Not Free	–	43, Partly Free	–
China	9, Not Free	–	10, Not Free	–
Hong Kong*	43, Partly Free	↓	N/A	
India	66, Partly Free	↓	49, Partly Free	↓
Indian Kashmir*	27, Not Free	–	N/A	
Indonesia	59, Partly Free	–	48, Partly Free	↓
Japan	96, Free	–	76, Free	↑
Laos	13, Not Free	–	N/A	
Malaysia	50, Partly Free	↓	58, Partly Free	–
Maldives	40, Partly Free	–	N/A	
Mongolia	84, Free	–	N/A	
Myanmar	9, Not Free	↓	17, Not Free	↓
Nepal	57, Partly Free	↑	N/A	
North Korea	3, Not Free	–	N/A	
Pakistan	37, Partly Free	–	25, Not Free	↓
Pakistani Kashmir*	29, Not Free	↑	N/A	
Philippines	55, Partly Free	↓	65, Partly Free	↑
Singapore	47, Partly Free	↓	56, Partly Free	–
South Korea	83, Free	–	67, Partly Free	↑
Sri Lanka	55, Partly Free	↓	51, Partly Free	↓
Taiwan	94, Free	–	80, Free	–
Thailand	29, Not Free	↓	36, Not Free	↑
Tibet*	1, Not Free	–	N/A	
Timor-Leste	72, Free	–	N/A	
Vietnam	19, Not Free	–	22, Not Free	–

Body

Recommendations

Conclusion