



The Advocates for Human Rights

a non-governmental organization in special consultative status with ECOSOC since 1996

Submission in Response to Call for input - Draft General Comment No. 38 on Article 22 (Freedom of Association) of the International Covenant on Civil and Political Rights

December 18, 2025

The Advocates for Human Rights (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact-finding, direct legal representation, education and training, and publications. The Advocates is committed to ensuring human rights protection for women around the world. The Advocates has published more than 25 reports on violence against women as a human rights issue, provided consultation and commentary of draft laws on domestic violence, and trained lawyers, police, prosecutors, judges, and other law enforcement personnel to effectively implement new and existing laws on domestic violence.

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Introduction

Freedom of Association, as guaranteed under Article 22 of the International Covenant on Civil and Political Rights, has broad application toward civil society and its members. Broadly speaking, jurisprudence from various U.N. bodies has recognized that any restrictions on this right must be legitimate, meaning relevant laws must be accessible and sufficiently precise to enable members to know how to regulate their conduct (foreseeability).¹ Laws may not confer unfettered or sweeping discretion on the law's enforcers.² Restrictions may be imposed only to protect national security or public safety, public order, public health, morals, or the rights and freedoms of others, and they must be "necessary" in a democratic society,³ and they must be the least severe measures in range, duration, and applicability.⁴

The freedom of individuals to associate with others who share political, social or economic views is critical to the maintenance of a democratic society, but it is under fierce and increasingly successful attacks by Member States around the world. These attacks employ common techniques, both familiar and new. These methods continue to evolve as States copy each other's tactics. Among these techniques are the following: 1) Onerous and discriminatory requirements for registration, reporting, and de-registration of organizations; 2) State-led stigmatization and delegitimization of opposing organizing is often carried out through vague and overly broad administrative and criminal statutes that sanction associations that are labeled with terminology such as "terrorist," "undesirable," or "extremist." Such labelling is increasingly applied to causes and beliefs even in the absence of formal organization. Through this practice, States create an atmosphere of fear and intimidation by imposing sanctions against individuals deemed by the State to be associated with these alleged entities; 3) States use "Foreign Agent" laws or similar legislation to impose formal restrictions and sanctions on organizations based on their sources of funding or interactions across national borders; 4) States engage in aggressive surveillance practices, including but not limited to monitoring cyberspace. They also impose discriminatory restrictions on internet access, social media platforms and online communications; and 5) Violence, arbitrary detention, and imprisonment are used by authorities to discourage individuals from exercising their right to freedom of association.

These techniques are hampering civil society's efforts in many countries. The results are intersectional, in that they impinge not only on freedom of association, but also on the freedoms

¹ U.N. Human Rights Council, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsossi Voule, U.N. Doc. A/HRC/50/23, May 10, 2022, ¶14.

² U.N. Human Rights Council, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsossi Voule, May 10, 2022, U.N. Doc. A/HRC/50/23, ¶14.

³ U.N. Human Rights Committee, Aleksander Belyatsky et al v. Belarus, U.N. Doc. CCPR/C/90/D/1296/2004, July 24, 2007, ¶7.3.

⁴ U.N. Human Rights Committee, Lee v. Republic of Korea, Communication No. 1119/2002, Aug. 23, 2002, ¶7.2; See U.N. Human Rights Council, Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Clément Nyaletsossi Voule, U.N. Doc. A/HRC/50/23, May 10, 2022, ¶14.

of expression and assembly, the right to work, the right to travel, and journalistic and academic freedoms.

This submission will provide examples of these restrictions and make recommendations for addressing them in General Comment Number 38 on Freedom of Association. It is based on interviews on file with The Advocates for Human Rights, primarily with human rights defenders and civil society from the identified Member States, as well as on desk research and the direct institutional experience of The Advocates for Human Rights.

Where indicated by a source citation and supported by evidence, our proposed recommendations are drawn from the 2023 report, *Relevant Sources of Law on Article 22 ICCPR: Right to Freedom of Association* by the European Center for Not-for-Profit Law (ECNL) and International Center for Not-for-Profit Law (ICNL).⁵

⁵ European Center for Not-for-Profit Law (ECNL) & International Center for Not-for-Profit Law (ICNL), *Relevant Sources of Law on Article 22 ICCPR: Right to Freedom of Association* (2023), accessed on Nov. 5, 2025, <https://ecnl.org/sites/default/files/2023-11/ECNL-ICNL-Relevant-Sources-of-Law-on-Article-22-ICCPR-report.pdf>.

Registration Requirements for NGOs

Recommendation 1: Any registration requirements for NGOs must avoid onerous, arbitrary or discriminatory requirements and lengthy delays for approval.⁶

Recommendation 2: Registration processes and requirements should not be unduly restrictive, onerous, burdensome, disproportionate, or unreasonable.⁷

Recommendation 3: Registration procedures should be simple, easily accessible, non-discriminatory, and non-burdensome.⁸

Governments can render registration processes unreasonable when they do not provide clear procedures or approval standards. In 1991, Turkmenistan adopted the Law on Public Associations, allowing NGOs to form without registration requirements.⁹ In 2003, a new law imposed a registration requirement on all existing and future NGOs.¹⁰ However, there are no published standards that itemize how to register or set forth standards for approval.¹¹ As one HRD observed, registration rules are not public, and authorities do not provide required documentation, rendering registration effectively impossible for independent groups.¹² In practice, the only NGOs allowed to register are government-supported NGOs (“GONGOs”) directly tied to the ruling regime.¹³ The situation for independent NGOs are exacerbated when

⁶ U.N. Human Rights Committee, Concluding Observations on Azerbaijan, UN Doc. CCPR/C/AZE/CO/4 (16 November 2016), ¶11; See also, European Center for Not-for-Profit Law (ECNL) and International Center for Non-Profit Law (ICNL), *Relevant Sources of Law on Article 22 ICCPR: Right to Freedom of Association* (July 2023), 29, accessed on Nov. 5, 2025, <https://ecnl.org/sites/default/files/2023-11/ECNL-ICNL-Relevant-Sources-of-Law-on-Article-22-ICCPR-report.pdf>.

⁷ U.N. Human Rights Committee, Concluding Observations on Egypt (2023), ¶¶49–50; Sri Lanka (2023), ¶42; Turkmenistan (2023), ¶46; Equatorial Guinea (2019), ¶56; Turkmenistan (2017), ¶¶46–47; Uzbekistan (2010), ¶25; See also, Concluding Observations on Cambodia (2019); Equatorial Guinea (2019); Kazakhstan (2020); Lao People’s Democratic Republic (2020); Rwanda (2021); Vietnam (2021).

⁸ U.N. Human Rights Committee, Concluding Observations on Azerbaijan, UN Doc. CCPR/C/AZE/CO/4, Nov. 16, 2016, ¶11; See also, European Center for Not-for-Profit Law (ECNL) and International Center for Non-Profit Law (ICNL), *Relevant Sources of Law on Article 22 ICCPR: Right to Freedom of Association* (July 2023), 29, accessed on Nov. 5, 2025, <https://ecnl.org/sites/default/files/2023-11/ECNL-ICNL-Relevant-Sources-of-Law-on-Article-22-ICCPR-report.pdf>.

⁹ Progres Foundation, *Civil Society Inside & Outside Turkmenistan: Searching for Meaningful Engagement in the Interest of the Turkmen Public* (April 4, 2024), at 5, accessed on Nov 7, 2024, <https://progres.online/wp-content/uploads/2024/04/Civil-Society-in-Turkmenistan.pdf>

¹⁰ Progres Foundation, *Civil Society Inside & Outside Turkmenistan: Searching for Meaningful Engagement in the Interest of the Turkmen Public* (April 4, 2024), at 6, accessed on Nov 7, 2024, <https://progres.online/wp-content/uploads/2024/04/Civil-Society-in-Turkmenistan.pdf>

¹¹ Interview with HRD, Turkmenistan, Nov. 20, 2025.

¹² Interview with HRD, Turkmenistan, Nov. 20, 2025.

¹³ Progres Foundation, *Civil Society Inside & Outside Turkmenistan: Searching for Meaningful Engagement in the Interest of the Turkmen Public* (April 4, 2024), at 7, 12, 17 accessed on Nov 7, 2024, <https://progres.online/wp-content/uploads/2024/04/Civil-Society-in-Turkmenistan.pdf>

the autocratic government perpetuates misinformation surrounding the Law on NGOs, especially since no one may ask questions for clarification.¹⁴

NGO registration procedures can be burdensome and entail risks, compelling some NGOs to avoid registering. In Türkiye, the registration process requires onerous documentation and mandates a minimum of seven founding members to establish an association.¹⁵ These obstacles are further exacerbated by heightened surveillance and restrictive practices that increasingly deter individuals from assuming the legal and political risks associated with serving as a founding member.¹⁶ For example, the government's detention of individuals for their social media publications has fostered a culture of fear that discourages association.¹⁷ As a result, fewer individuals are willing to be publicly affiliated with new organizations, particularly those openly supporting LGBTIQ+ rights, which undermines the ability to establish new civil society organizations.¹⁸

Recommendation 4: Definitions and principles should be narrowly and precisely defined (not vague) to disallow arbitrary application.¹⁹ States must ensure that registration procedures are clear, transparent and provide publicly accessible standards.²⁰

¹⁴ Interview with HRD, Turkmenistan, Nov. 20, 2025.

¹⁵ Art. 1, Law on Associations [Dernekler Kanunu]; see also, Associations Law of Türkiye, Temmuz 8, 2008 <https://ihd.org.tr/en/law-on-association/>.

¹⁶ Interview with HRD, Türkiye, Dec. 3, 2025.

¹⁷ Interview with HRD, Türkiye, Dec. 3, 2025.

¹⁸ Interview with HRD, Türkiye, Dec. 3, 2025.

¹⁹ U.N. Human Rights Committee, Concluding Observations Consideration of reports submitted by states parties under article 40 of the Covenant: Concluding observation of the Human Rights Committee: Russian Federation (Dec 1, 2003), U.N. Doc. CCPR/CO/79/RUS, ¶20.; See also, U.N. Human Rights Committee, Consideration of reports submitted by states parties under article 40 of the Covenant: Concluding observation of the Human Rights Committee Islamic Republic of Iran (Nov. 29, 2011), U.N. Doc CCPR/C/IRN/CO/3, ¶26.

²⁰ U.N. Human Rights Council, Report of the Working Group on the Universal Periodic Review: Angola (March 24, 2010), U.N. Doc A/HRC/14/11, ¶108 To ensure that the procedures for the registration of civil society organizations are transparent, non-discriminatory and expeditious (Norway); See also, U.N. Human Rights Council, Report of the Working Group on the Universal Periodic Review: Angola (Dec. 5, 2014), U.N. Doc A/HRC/28/11, ¶134.123 Make procedures for registration of civil society organizations transparent, non-discriminatory and expeditious (Norway); See also, U.N. Human Rights Council, Report of the Working Group on the Universal Periodic Review: Azerbaijan (July 5, 2013), U.N. Doc A/HRC/24/13, ¶109.28 Harmonize national legislation governing registration and funding of NGOs with the Venice Commission recommendations, with a view to ensuring a free and open space for its civil society (Slovakia), ¶109.118. Remove all legislative and practical obstacles for the registration, funding and work of NGOs in Azerbaijan (Norway), ¶109.121. Review legal and administrative requirements for the registration of NGOs, which would simplify the process and encourage the independence of civil society representatives (Mexico); See also, U.N. Human Rights Council, Report of the Working Group on the Universal Periodic Review: Belarus (June 21, 2010), U.N. Doc A/HRC/15/16, ¶98.10. That legislation in Belarus regarding the registration of non-governmental organizations be streamlined and made less burdensome (Ireland), ¶98.28. Take the necessary measures to ensure freedom of expression and association of everyone and, specifically, (i) simplify the registration procedure for public associations, including non-governmental organizations, political parties and trade unions; (ii) remove the prohibition against any activity by non-registered associations; and (iii) abolish article 193-1 of the Constitution, which criminalizes the carrying out of an activity within such a non-registered organization (Belgium), 98.30. Ensure that the authorities allow and facilitate the registration of non-governmental organizations and opposition parties (Switzerland); carry out legislative measures that permit the efficient registration, not subject to

Governments demonstrate arbitrariness when they allow informal organizations to operate informally without registration but require other organizations to complete registration. A North Macedonian HRD noted how anti-democratic groups are not registered as formal non-profits, meet informally, and are not required to report on their activities nor disclose their sources of funding. Civil society has expressed growing concerns that these informal groups may eventually be recognized as formal organizations without meeting standard registration requirements.²¹ If this occurs, it will reduce the authority of the regulatory framework. As a result, civil society actors have engaged in the debate over whether their organizations should follow these informal structures; however, such a shift risks normalizing and legitimizing anti-democratic actors by placing them on equal footing with rights-based organizations.²² The arbitrary application of regulatory requirements for civil society organizations reflects unequal treatment by government institutions, resulting in discriminatory effects influenced by state interests.²³

Recommendation 5: Any denial of registration must be necessary and proportionate.²⁴

Government denials of registration are at times arbitrary and widespread. A Turkmen government actor's remarks illustrate the absence of necessity and proportionality in denying registration when they stated, "Why create a bunch of NGOs? Having just one NGO per sector is enough."²⁵ As one HRD elaborated, the Turkmen government simply de-registers organizations that "displease" it. For example, the government de-registered two well-established environmental organizations, Dashoguz Ecological Club and Ecological Club Cantena, in 2004 under the 2003 Law on Public Associations.²⁶ The extent to which the state denies registrations is so widespread that the only functioning associations focused on human rights in Turkmenistan are Progres Foundation and the Turkmenistan Helsinki Foundation, both of which operate from exile.²⁷ Because civil society cannot work within Turkmenistan, associations that want to operate

administrative discretion, of civil organizations, including political parties and unions (Spain); facilitate the registration of non-governmental organizations, and amend the Criminal Code, which criminalizes the activity of non-registered non-governmental organizations (Poland), ¶98.35. Create a positive environment for the activities of human rights organizations and other independent non-governmental organizations, notably by eliminating obstacles to their official registration (Canada); develop a favourable environment for the functioning of all non-governmental organizations and political parties, including simplifying registration procedures (Lithuania); See also, U.N. Human Rights Council, Resolution 22/6: Protecting Human Rights Defenders (Apr. 12, 2013), U.N. Doc. A/HRC/RES/22/6, ¶8.

²¹ Interview with HRD, North Macedonia, Dec. 8, 2025.

²² Interview with HRD, North Macedonia, Dec. 8, 2025.

²³ Interview with HRD, North Macedonia, Dec. 8, 2025.

²⁴ U.N. Human Rights Committee, Vladimir Romanovsky v. Belarus, U.N. Doc. CCPR/C/115/D/2011/2010, Dec. 7, 2014, ¶¶7.3 – 7.5.

²⁵ Economic Commission for Europe, Information Note on the Situation Regarding Environmental Defenders in Parties to the Aarhus Convention from 2017 to date, U.N. Doc. AC/WGP-24/Inf.16, July 1-3, 2020, p. 25.

²⁶ Economic Commission for Europe, Information Note on the Situation Regarding Environmental Defenders in Parties to the Aarhus Convention from 2017 to date, U.N. Doc. AC/WGP-24/Inf.16, July 1-3, 2020, p. 25.

²⁷ Interview with HRD, Turkmenistan, Nov. 20, 2025.

independently must seek registration in another country, such as the U.S.²⁸ In this case, the absence of necessity and proportionality results in the arbitrary and widespread denial of NGO registrations.

Recommendation 6: In denying registration, States must provide clear reasoning and communicate in writing to the applicant.²⁹

Recommendation 7: The State must provide the right to an effective appeal mechanism or means to challenge the decision before an independent and impartial court,³⁰ with a view to preventing arbitrary decisions, repeated re-registration requirements, and practices inconsistent with international law.³¹

²⁸ Interview with HRD, Turkmenistan, Nov. 20, 2025.

²⁹ U.N. Human Rights Council, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, U.N. Doc. A/HRC/20/27, May 21, 2012, ¶61.

³⁰ U.N. Human Rights Council, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, U.N. Doc. A/HRC/20/27, May 21, 2012, ¶61; See also, U.N. General Assembly, Human Rights Defender Note by the Secretary General, U.N. Doc. A/64/226, Aug. 4, 2009, ¶113.

³¹ U.N. Human Rights Council, Report of the Working Group on the Universal Periodic Review: Angola (March 24, 2010), U.N. Doc A/HRC/14/11, ¶108 To ensure that the procedures for the registration of civil society organizations are transparent, non-discriminatory and expeditious (Norway); See also, U.N. Human Rights Council, Report of the Working Group on the Universal Periodic Review: Angola (Dec. 5, 2014), U.N. Doc A/HRC/28/11, ¶134.123 Make procedures for registration of civil society organizations transparent, non-discriminatory and expeditious (Norway); See also, U.N. Human Rights Council, Report of the Working Group on the Universal Periodic Review: Azerbaijan (July 5, 2013), U.N. Doc A/HRC/24/13, ¶109.28 Harmonize national legislation governing registration and funding of NGOs with the Venice Commission recommendations, with a view to ensuring a free and open space for its civil society (Slovakia), ¶109.118. Remove all legislative and practical obstacles for the registration, funding and work of NGOs in Azerbaijan (Norway), ¶109.121. Review legal and administrative requirements for the registration of NGOs, which would simplify the process and encourage the independence of civil society representatives (Mexico); See also, U.N. Human Rights Council, Report of the Working Group on the Universal Periodic Review: Belarus (June 21, 2010), U.N. Doc A/HRC/15/16, ¶98.10. That legislation in Belarus regarding the registration of non-governmental organizations be streamlined and made less burdensome (Ireland), ¶98.28. Take the necessary measures to ensure freedom of expression and association of everyone and, specifically, (i) simplify the registration procedure for public associations, including non-governmental organizations, political parties and trade unions; (ii) remove the prohibition against any activity by non-registered associations; and (iii) abolish article 193-1 of the Constitution, which criminalizes the carrying out of an activity within such a non-registered organization (Belgium), 98.30. Ensure that the authorities allow and facilitate the registration of non-governmental organizations and opposition parties (Switzerland); carry out legislative measures that permit the efficient registration, not subject to administrative discretion, of civil organizations, including political parties and unions (Spain); facilitate the registration of non-governmental organizations, and amend the Criminal Code, which criminalizes the activity of non-registered non-governmental organizations (Poland), ¶98.35. Create a positive environment for the activities of human rights organizations and other independent non-governmental organizations, notably by eliminating obstacles to their official registration (Canada); develop a favourable environment for the functioning of all non-governmental organizations and political parties, including simplifying registration procedures (Lithuania); See also, U.N. Human Rights Council, Resolution 22/6: Protecting Human Rights Defenders (April 12, 2013), U.N. Doc. A/HRC/RES/22/6, ¶8.

Liquidation of NGOs occurs without any explanation or opportunity for the NGO to challenge the closure. During the post-election liquidations of Belarusian associations, an HRD reported that no one informed them as to why they were being closed.³²

Funding

Recommendation 1: States must not impose discriminatory restrictions on funding for the support of human rights defenders' work.³³

Recommendation 2: States should remove obstacles to receiving foreign funding, especially regulations that provide explicit and broad bans or create severe administrative hurdles.³⁴

States have adopted measures to restrict or withdraw government funding and grants for programs engaged in human rights work. In the United States, executive orders - such as the defunding of the USAID - have affected government grant-making mechanisms that support

³² Radio Free Europe/Radio Liberty, *Belarus Shuts Down More NGOs Amid Continued Crackdown*, July 23, 2021, <https://www.rferl.org/a/belarus-shuts-down-ngos/31374183.html>.

³³ U.N. Human Rights Council, Resolution 22/6: Protecting Human Rights Defenders, U.N. Doc A/HRC/RES/22/6, April 12, 2013, ¶9(b); See also, European Center for Not-for-Profit Law (ECNL) and International Center for Non-Profit Law (ICNL), *Relevant Sources of Law on Article 22 ICCPR: Right to Freedom of Association* (July 2023), 34, accessed on Nov. 5, 2025, <https://ecnl.org/sites/default/files/2023-11/ECNL-ICNL-Relevant-Sources-of-Law-on-Article-22-ICCPR-report.pdf>.

³⁴ U.N. Human Rights Council, Report of the Working Group on the Universal Periodic Review: Angola (March 24, 2010), U.N. Doc A/HRC/14/11, ¶108 To ensure that the procedures for the registration of civil society organizations are transparent, non-discriminatory and expeditious (Norway); See also, U.N. Human Rights Council, Report of the Working Group on the Universal Periodic Review: Angola (Dec. 5, 2014), U.N. Doc A/HRC/28/11, ¶134.123 Make procedures for registration of civil society organizations transparent, non-discriminatory and expeditious (Norway); See also, U.N. Human Rights Council, Report of the Working Group on the Universal Periodic Review: Azerbaijan (July 5, 2013), U.N. Doc A/HRC/24/13, ¶109.28 Harmonize national legislation governing registration and funding of NGOs with the Venice Commission recommendations, with a view to ensuring a free and open space for its civil society (Slovakia), ¶109.118. Remove all legislative and practical obstacles for the registration, funding and work of NGOs in Azerbaijan (Norway), ¶109.121. Review legal and administrative requirements for the registration of NGOs, which would simplify the process and encourage the independence of civil society representatives (Mexico); See also, U.N. Human Rights Council, Report of the Working Group on the Universal Periodic Review: Belarus (June 21, 2010), U.N. Doc A/HRC/15/16, ¶98.10. That legislation in Belarus regarding the registration of non-governmental organizations be streamlined and made less burdensome (Ireland), ¶98.28. Take the necessary measures to ensure freedom of expression and association of everyone and, specifically, (i) simplify the registration procedure for public associations, including non-governmental organizations, political parties and trade unions; (ii) remove the prohibition against any activity by non-registered associations; and (iii) abolish article 193-1 of the Constitution, which criminalizes the carrying out of an activity within such a non-registered organization (Belgium), 98.30. Ensure that the authorities allow and facilitate the registration of non-governmental organizations and opposition parties (Switzerland); carry out legislative measures that permit the efficient registration, not subject to administrative discretion, of civil organizations, including political parties and unions (Spain); facilitate the registration of non-governmental organizations, and amend the Criminal Code, which criminalizes the activity of non-registered non-governmental organizations (Poland), ¶98.35. Create a positive environment for the activities of human rights organizations and other independent non-governmental organizations, notably by eliminating obstacles to their official registration (Canada); develop a favourable environment for the functioning of all non-governmental organizations and political parties, including simplifying registration procedures (Lithuania); See also, Human Rights Council, Resolution 22/6: Protecting Human Rights Defenders (April 12, 2013), U.N. Doc. A/HRC/RES/22/6, ¶8.

critical human rights work.³⁵ In addition, proposed legislative initiatives aimed at revoking or limiting tax-exempt status for nonprofits, such as the H.R. 9495 bill,³⁶ have raised concerns about efforts to weaken the operational capacity of human rights organizations. As a result, some nonprofit associations across the United States have engaged in more self-censorship practices as a means of self-protection,³⁷ especially if their organizations serves minority groups, gender issues, environmental and climate justice, or immigration.³⁸ These discriminatory funding measures have curbed organizations' ability to freely carry out certain aspects of their work³⁹ while others scaled back the scope of their activities based on concerns of potential withdrawal of funding in response to government scrutiny.

Funding restrictions that target independent human rights NGOs hinder their access to funding streams while preferring GONGOs and government-favored groups. Under these conditions, GONGOs are often the only associations that qualify for and benefit from grants. As one HRD lamented, U.N. funds intended to assist human rights initiatives in Turkmenistan are directed by the government to its approved GONGOs, which do not challenge the government's position and information on human rights conditions.⁴⁰

In Georgia, the government in practice does not disburse grants to independent NGOs doing human rights work.⁴¹ In 2025, the government amended the grant law to create its own grant agency, the State Grant Management Agency, to distribute funds to NGOs, under the presumption that foreign funds are not needed.⁴² Those that apply and receive this government funding are generally GONGOs that do not criticize the government.⁴³ Under the Law on Grants, the Government of Georgia must also give consent before grantors may issue any grants to NGOs or individuals.⁴⁴ If grantors fail to obtain such consent before issuing funds, punishment falls upon the grantees for the grantors' non-compliance with the law.⁴⁵ Consequently, a number of foreign funding sources have discontinued grants to Georgian CSOs due to this law, which has a rolldown impact on local funders, such as the Women's Fund of Georgia, which discontinued

³⁵ Human Rights Watch, *US: Trump Administration Guts Foreign Aid*, Feb. 28, 2025,

<https://www.hrw.org/news/2025/02/28/us-trump-administration-guts-foreign-aid>.

³⁶ H.R. 9495 [Report No. 118-729], 118th Congress 2nd Session; See also,

<https://www.congress.gov/118/bills/hr9495/BILLS-118hr9495rh.pdf>

³⁷ Lauren Girardin, *Nonprofits Self-Censoring in Wake of Trump Actions*, Nonprofit Quarterly, Feb. 14, 2025,

<https://nonprofitquarterly.org/nonprofits-self-censoring-in-wake-of-trump-actions/>

³⁸ Interview with HRD, United States, Dec. 10, 2025.

³⁹ Interview with HRD, United States, Dec. 10, 2025.

⁴⁰ Interview with HRD, Turkmenistan, Nov. 20, 2025.

⁴¹ Interview with HRD, Georgia, Nov. 19, 2025.

⁴² Interview with HRD, Georgia, Nov. 19, 2025.

⁴³ Interview with HRD, Georgia, Nov. 19, 2025.

⁴⁴ ICNL, *Georgia: Amendments to the Law on Grants*, April 11, 2025, at 1, https://www.icnl.org/wp-content/uploads/ICNL_Brief_on_Georgia_Draft_Amendments_to_the_Law_on_Grants_SF.pdf; See also, Interview with HRD, Georgia, Nov. 19, 2025.

⁴⁵ ICNL, *Georgia: Amendments to the Law on Grants*, April 11, 2025, at 1, https://www.icnl.org/wp-content/uploads/ICNL_Brief_on_Georgia_Draft_Amendments_to_the_Law_on_Grants_SF.pdf.

all operations.⁴⁶ In Slovakia, in November 2023, Minister of Labour Tomáš introduced a proposal to change the funding of NGOs.⁴⁷ In this proposal, the funds awarded to the organizations by tax assignment would be replaced by the state fund, which would determine which organizations merit support.⁴⁸ Under the proposal, the state would financially favor “worthy” organizations based on their activities.⁴⁹

Weakened checks and balances, resulting from increased alignment between legislative bodies and the executive branch, have enabled the arbitrary withdrawal of public funding from NGOs. In the United States, discretionary grant-making mechanisms allow the executive branch to suspend, redirect, or decline to renew funding with limited legislative oversight and no effective judicial review.⁵⁰ Unlike federal funding appropriated to states, federal grants are typically time-limited discretionary awards rather than legal entitlements.⁵¹ As a result, it is more difficult for affected organizations to challenge funding decisions on the grounds of discriminatory or abuse of discretion.⁵² On February 6, 2025, President Trump issued an Executive Order directing scrutiny of NGO funding to ensure future funding decisions align with the interests of the United States and the goals and priorities of the Trump Administration.⁵³ Following this measure, many NGOs, especially those providing sexual reproductive health or citizenship-related services, faced increased risks of funding suspension or non-renewal.⁵⁴ These dynamics undermine funding predictability and disproportionately affect organizations working on politically sensitive issues, particularly when limited institutional opposition weakens the exercise of checks and balances over executive decisions.

Recommendation 3: States must not delegitimize activities defending human rights on account of the origin of funding for it.⁵⁵

⁴⁶ Interview with HRD, Georgia, Nov. 19, 2025.

⁴⁷ Peter Čuroš, *Hundred Days of Fico IV Administration*, Verfassungsblog, Mar. 5, 2024, <https://verfassungsblog.de/fico-iv/>.

⁴⁸ Peter Čuroš, *Hundred Days of Fico IV Administration*, Verfassungsblog, Mar. 5, 2024, <https://verfassungsblog.de/fico-iv/>.

⁴⁹ Peter Čuroš, *Hundred Days of Fico IV Administration*, Verfassungsblog, Mar. 5, 2024, <https://verfassungsblog.de/fico-iv/>.

⁵⁰ Interview with State Government Official, United States, Dec. 15, 2025.

⁵¹ Interview with State Government Official, United States, Dec. 15, 2025.

⁵² Interview with State Government Official, United States, Dec. 15, 2025.

⁵³ The White House, *Memorandum For The Heads Of Executives Departments And Agencies: Advancing United States Interest When Funding Nongovernmental Organizations*, Feb. 6, 2025, <https://www.whitehouse.gov/presidential-actions/2025/02/memorandum-for-the-heads-of-executive-departments-and-agencies/>.

⁵⁴ Interview with State Government Official, United States, Dec. 15, 2025.

⁵⁵ U.N. Human Rights Council, Resolution 22/6: Protecting Human Rights Defenders, U.N. Doc A/HRC/RES/22/6, April 12, 2013, ¶9(b); See also, European Center for Not-for-Profit Law (ECNL) and International Center for Non-Profit Law (ICNL), *Relevant Sources of Law on Article 22 ICCPR: Right to Freedom of Association* (July 2023), 34-35, accessed on Nov. 5, 2025, <https://ecnl.org/sites/default/files/2023-11/ECNL-ICNL-Relevant-Sources-of-Law-on-Article-22-ICCPR-report.pdf>.

Foreign funding becomes a pretext to penalize and suppress organizations for activities governments disfavor. Russia's Foreign Agent Law (Federal Law N. 121-FZ) allows the Ministry of Justice to classify any organization that receives funding from foreign sources, is registered in Russia, and engages in "political activity" as a "Foreign Agent."⁵⁶ "Foreign Agent" status *de facto* denies individuals from carrying out certain work. One Russian lawyer shared how once an individual is designated a Foreign Agent, they can no longer teach or be involved with academics.⁵⁷ The lawyer cited the case of a professor who was no longer able to work at the academy once they were named a "Foreign Agent."⁵⁸ Moreover, they must place the term "Foreign Agent," which implies "enemy of the state," on all their materials, further undermining credibility, public trust, and ultimately legitimacy.⁵⁹

In extreme cases, funding laws have not only delegitimized associations' activities but also led to their closures. In Kyrgyzstan, the Law on Foreign Representatives⁶⁰ has led to the dissolution of NGOs.⁶¹ For example, the Soros Foundation and Civic Initiative were forced to shut down their operations, either due to funding loss or stigmatization and risk to staff.⁶² In the case of the Soros Foundation, its international funding source, the Open Society Foundation, ceased its funding in response to the Law on Foreign Representatives.⁶³ In the case of Civic Initiative, its founder decided to shut down operations after the new NPO Law outlined tighter regulations on political activities.⁶⁴ These cases are not isolated, as Kyrgyzstan's NPO Law renders approximately 500-600 active independent NPOs vulnerable to these new requirements on foreign funding and political activities.⁶⁵

In several contexts, States have adopted onerous reporting obligations that disproportionately target organizations receiving foreign funding, including requirements to disclose overly detailed information on funding sources, expenditures, property use, and

⁵⁶ Linda Foreman & Mark Kalla The Advocates for Human Rights, Russian Federation: Joint Stakeholder Report for the United Nations UPR (Oct. 4, 2017), ¶15, https://theadvocatesforhumanrights.org/Res/russia_upr_fa_final.pdf.

⁵⁷ Interview with HRD, Russia, Mar. 31, 2023.

⁵⁸ Interview with HRD, Russia, Mar. 31, 2023.

⁵⁹ Interview with HRD, Russia, Mar. 31, 2023; See also, Interview with HRD, Russia, Mar. 3, 2023.

⁶⁰ Iana Fremer, *Kyrgyzstan: New Rules Imposed on Foreign Non-Governmental Organizations*, Law Library of Congress, Aug. 13, 2025, <https://www.loc.gov/item/global-legal-monitor/2024-08-12/kyrgyzstan-new-rules-imposed-on-foreign-non-governmental-organizations/>.

⁶¹ Iana Fremer, *Kyrgyzstan: New Rules Imposed on Foreign Non-Governmental Organizations*, Law Library of Congress, Aug. 13, 2025, <https://www.loc.gov/item/global-legal-monitor/2024-08-12/kyrgyzstan-new-rules-imposed-on-foreign-non-governmental-organizations/>.

⁶² Iana Fremer, *Kyrgyzstan: New Rules Imposed on Foreign Non-Governmental Organizations*, Law Library of Congress, Aug. 13, 2025, <https://www.loc.gov/item/global-legal-monitor/2024-08-12/kyrgyzstan-new-rules-imposed-on-foreign-non-governmental-organizations/>.

⁶³ Catherine Putz, *Open Society Foundations Closes Down Kyrgyzstan Operation*, The Diplomat, April 17, 2024, <https://thediplomat.com/2024/04/open-society-foundations-closes-down-kyrgyzstan-operation/>.

⁶⁴ Chris Rickleton, *Law Targeting Foreign-Funded NGOs Sends Chill Through Kyrgyz Civil Society*, Radio Free Europe Radio Liberty, Apr. 5, 2024, <https://www.rferl.org/a/kyrgyzstan-foreign-agents-chill/32893000.html>.

⁶⁵ Nurzada Tynayeva, *Rebuilding Civil Society: NGO Closure and Hopes for Revision of the Law "On Foreign Representatives*, Radio Free Europe Radio Liberty, Sept. 6, 2024, <https://rus.azattyk.org/a/33109242.html>

organizational activities.⁶⁶ In Georgia, legislation requires registered organizations to submit detailed annual reports on their funding, spending, and activities to the Ministry of Justice. The Ministry can request further information at its discretion, and if an organization fails to comply with these requirements, then they will be subjected to administrative sanctions.⁶⁷ In some cases, alleged irregularities in reporting and registration have also been used as grounds for the suspension or permanent closure of organizations.⁶⁸ In reality, these arbitrary reporting requirements imposed by governments function as punitive control measures, exposing civil organizations to sanctions that may compel them to voluntarily or involuntarily suspend activities or cease operations entirely.

Access to Resources

Recommendation 1: Associations have right to freely access resources from domestic, foreign, international sources.⁶⁹

Resources include financial transfers, such as donations, grants contracts, sponsorships, social investments, loan guarantees and financial assistance, in-kind donations, material resources, human resources (paid staff and volunteers), access to international solidarity, the ability to travel and communicate without undue interference, and the protection of the state.⁷⁰

Multiple States have adopted Foreign Agent Laws that are aimed at restricting freedom of association for civil society. In Russia, Federal Law N. 121-FZ (“Foreign Agents” law) authorizes the designation of individuals and organizations as “foreign agents” based on foreign

⁶⁶ European Center for Not-for-Profit Law (ECNL) and International Center for Non-Profit Law (ICNL), *Relevant Sources of Law on Article 22 ICCPR: Right to Freedom of Association* (July 2023), 34, accessed on Nov. 5, 2025, <https://ecnl.org/sites/default/files/2023-11/ECNL-ICNL-Relevant-Sources-of-Law-on-Article-22-ICCPR-report.pdf>; See also, Human Rights Committee, Concluding observations on the eight periodic report of the Russian Federation (Dec. 1, 2022), U.N. Doc. CCPR/C/RUS/CO/8, ¶¶34-35; See also, U.N. Human Rights Committee, Concluding observations on the third periodic report of Kyrgyzstan, (Dec. 9, 2022), U.N. Doc. CCPR/C/KGZ/CO/3, ¶49; See also, Human Rights Committee, Concluding observations on the fifth periodic report of the Philippines, (Nov. 30, 2022), U.N. Doc. CCPR/C/PHL/CO/5, ¶47; See also, Human Rights Committee, Concluding observations on the third periodic report of Tajikistan, (Aug. 22, 2022), U.N. Doc. CCPR/C/TJK/CO/3, ¶¶51-52.

⁶⁷ Congress.gov, *Georgia’s Parliament Passes “Transparency of Foreign Influence Law,”* May 28, 2025, <https://www.congress.gov/crs-product/IN12368>.

⁶⁸ U.N. Human Rights Committee, Concluding Observations on the fourth periodic report of Azerbaijan (Nov. 16, 2016), U.N. Doc. CCPR/C/AZE/CO/4, ¶¶40-41; See also, U.N. Human Rights Committee, Concluding observations on the eight periodic report of the Russian Federation (Dec. 1, 2022), U.N. Doc. CCPR/C/RUS/CO/8 ¶¶34-35; See also, U.N. Human Rights Committee, Concluding Observations on the fourth periodic report of Uzbekistan (Aug. 17, 2015), U.N. Doc. CCPR/C/UZB/CO/4, ¶25.

⁶⁹ U.N. Human Rights Council, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsossi Voule, U.N. Doc. A/HRC/50/23, May 10, 2022, ¶9.

⁷⁰ U.N. Human Rights Council, General principles and guidelines on ensuring the right of civil society organizations to have access to resources: Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsossi Voule, U.N. Doc. A/HRC/53/38/Add.4, June 23, 2023, ¶7; See also, U.N. Human Rights Council, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsossi Voule, U.N. Doc. A/HRC/50/23, May 10, 2022, ¶9.

funding and engagement in broadly defined political activity.⁷¹ Subsequent amendments, including in April 2025, have expanded the scope of the law to include cooperation with international organizations or foreign state bodies deemed to threaten national security.⁷² In Georgia, relevant legislation includes the Transparency of Foreign Influence Act (“FIT”)⁷³ and the Foreign Agents Registration Act (“FARA”).⁷⁴ The former requires NGOs and media organizations receiving more than 20 percent of their funding from foreign sources to register as organizations “pursuing the interests of a foreign power,”⁷⁵ while the latter goes beyond funding requirements by designating organizations that cooperate with international actors as “foreign agents.” In Kyrgyzstan, the Law on Amendments to the Law on Non-Commercial Organizations,⁷⁶ commonly referred to as the Law of Foreign Representatives,⁷⁷ requires NPOs that receive foreign funding and engage in political activities to register as “foreign representatives.”⁷⁸ Designated organizations are expected to comply with enhanced oversight, including expanded financial reporting, audits, separate accounting for foreign funds, and government monitoring of activities.⁷⁹ Although these laws vary in their specific provisions, they all establish a legislative framework that imposes heightened regulatory constraints on the operations of civil society organizations.

⁷¹ Federal Law N. 121-FZ on Non-Commercial Organisations (“Law on Foreign Agents”) of July 20, 2012, amending the Law on Non-Commercial Organizations (NCL) No. 7-FZ; see also, Memorandum of Law, 2015 (on file with The Advocates for Human Rights). (i.e., the NGO receives funds or other property from foreign sources [such as foreign states and their public authorities], international and foreign organizations, foreign companies and individuals, stateless citizens, and/or from Russian legal entities receiving funds or other property from the foregoing sources [except for open joint-stock companies with the government's participation and their subsidiaries].)

⁷² U.N. Human Right Council, *Situation of Human Rights in the Russian Federation-Report of the Special Rapporteur on the Situation of Human Rights in the Russian Federation*, U.N. Doc. A/HRC/57/59, Sept. 13, 2024, ¶11; Federal Law No. 89-FZ, 21 April 2025; See also, Federal Law No. 89-FZ, Apr. 21, 2025.

⁷³ Cory Welt, *Georgia’s Parliament Passes “Transparency of Foreign Influence Law,”* Congress.Gov, May 28, 2025, <https://www.congress.gov/crs-product/IN12368>

⁷⁴ Human Right Defenders, *Georgia: Adoption of the new Foreign Agents Registration Act, International Federation for Human Rights*, Apr. 30, 2025, <https://www.fidh.org/en/region/europe-central-asia/georgia/georgia-adoption-of-the-new-foreign-agents-registration-act>.

⁷⁵ Congress.gov, *Georgia’s Parliament Passes “Transparency of Foreign Influence Law,”* May 28, 2024, <https://www.congress.gov/crs-product/IN12368>.

⁷⁶ Iana Fremer, *Kyrgyzstan: New Rules Imposed on Foreign Non-Governmental Organizations*, Law Library of Congress, Aug. 13, 2025, <https://www.loc.gov/item/global-legal-monitor/2024-08-12/kyrgyzstan-new-rules-imposed-on-foreign-non-governmental-organizations/>.

⁷⁷ Iana Fremer, *Kyrgyzstan: New Rules Imposed on Foreign Non-Governmental Organizations*, Law Library of Congress, Aug. 13, 2025, <https://www.loc.gov/item/global-legal-monitor/2024-08-12/kyrgyzstan-new-rules-imposed-on-foreign-non-governmental-organizations/>.

⁷⁸ Iana Fremer, *Kyrgyzstan: New Rules Imposed on Foreign Non-Governmental Organizations*, Law Library of Congress, Aug. 13, 2025, <https://www.loc.gov/item/global-legal-monitor/2024-08-12/kyrgyzstan-new-rules-imposed-on-foreign-non-governmental-organizations/>.

⁷⁹ International Center for Not-For-Profit Law, *Law of the Kyrgyz Republic on Amendments to the Law of the Kyrgyz Republic on Noncommercial Organizations (also known as the Law on Foreign Representatives)* (April 4, 2024), 2, [2024.04-Final-Analysis-of-the-KR-Law-on-Foreign-Representatives_eng-vf.pdf](https://www.icnl.org/research/workingpapers/central_europe/2024.04-Final-Analysis-of-the-KR-Law-on-Foreign-Representatives_eng-vf.pdf); See also, Council of Europe, *Opinion on Law No. 72 of 2 April 2024 amending the law “On non-profit organisations,”* by European Commission for Democracy through Law (Venice Commission) (Oct. 14, 2024), 21, <https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD%282024%29033-e>.

Where NGOs must obtain State permission to receive foreign funding, an absence of clear protocols for making that request further restricts NGOs' access to resources. In

Turkmenistan, associations are required to get government permission for any foreign funding. There are no published rules or standards, however, that would enable NGOs to understand how they secure this permission to obtain funds.⁸⁰ Georgia amended the grants law and now requires associations to obtain permission from the Anti-Corruption Bureau to receive grants from any donor organization.⁸¹ The bureau does not typically give permission, which consequently cuts off organizations' access to such funding. As a result, smaller associations have terminated their work in Georgia, including one that an HRD had just joined.⁸² The restrictions have impacted smaller organizations, especially, with the Georgian HRD observing that the small NGOs have "almost disappeared" without access to these resources.⁸³ While there are some exceptions for NGOs renewing existing grants, those organizations will likely face the permissions obstacle within one or two years.

Foreign Agent laws may be adopted under the guise of increasing transparency and protecting domestic autonomy, but in reality restrict resources for and place burdens on NGOs. In April 2025, Slovakia amended its NGO legislation by requiring organizations that receive more than €5,000 annually from foreign sources and engage in political advocacy to register as lobbyists and submit detailed transparency reports.⁸⁴ The Slovak government, led by Prime Minister Fico, insists the law is a European model aimed at increasing transparency and protecting national sovereignty.⁸⁵ The passage of the bill also highlighted troubling patterns, including the use of fast-track legislative procedures that limit parliamentary scrutiny,⁸⁶ pressure on the media, and the weakening of judicial independence through the abolition of the special prosecutor's office.⁸⁷ The law requires NGOs to disclose the names of donors contributing more than €5,000, as well as all members of the NGO's governing bodies.⁸⁸ NGOs must comply with Slovakia's Freedom of Information Act (FOIA) if they receive more than €3,300 in public

⁸⁰ Interview with HRD, Turkmenistan, Nov. 20, 2025.

⁸¹ Interview with HRD, Georgia, Nov. 19, 2025.

⁸² Interview with HRD, Georgia, Nov. 19, 2025.

⁸³ Interview with HRD, Georgia, Nov. 19, 2025.

⁸⁴ Civicus Monitor, *Large and sustained protests against government's pro-Russian stance and Foreign Agent Law*, May 28, 2025, <https://monitor.civicus.org/explore/large-and-sustained-protests-against-governments-pro-russian-stance-and-foreign-agent-law/>.

⁸⁵ Ketrin Johecová, *Slovakia adopts Russian-style law targeting NGOs*, Politico Europe, Apr. 17, 2025, <https://www.politico.eu/article/slovakia-adopts-russian-bill-targeting-ngos/>.

⁸⁶ Ketrin Johecová, *Slovakia adopts Russian-style law targeting NGOs*, Politico Europe, Apr. 17, 2025, <https://www.politico.eu/article/slovakia-adopts-russian-bill-targeting-ngos/>.

⁸⁷ Barbora Krempaská, *On the Path to Illiberal Democracy? One Year of Fico between Moscow and Power Centralization*, Friedrich Naumann Foundation for Freedom, Nov. 15, 2024, <https://www.freiheit.org/central-europe-and-baltic-states/path-illiberal-democracy>.

⁸⁸ Civicus Monitor, *Large and sustained protests against government's pro-Russian stance and Foreign Agent Law*, May 28, 2025, <https://monitor.civicus.org/explore/large-and-sustained-protests-against-governments-pro-russian-stance-and-foreign-agent-law/>.

funding in a single transaction or more than €10,000 in total.⁸⁹ The legislation does not define public funding nor describe how NGOs without public funds should respond to FOIA requests.⁹⁰

Recommendation 2: Funders should review eligibility criteria to ensure it does not unduly penalize Foreign Agents or other CSOs working in authoritarian regimes.

Unrealistic requirements by funders have penalized NGOs that cannot access such financing due to state restrictions. At times, foreign funders impose unrealistic requirements on associations operating in restrictive conditions. For example, a Belarus NGO secured USAID funding, but was required to register with the Belarus Department of Humanitarian Affairs, which denied them registration. The NGO was forced to return the money.⁹¹ In Turkmenistan, the law on NGOs prohibits organizations from receiving direct funding from outside the country. Any funding must proceed through the Ministry of Finance and entails heavy bureaucracy, which creates deliberate barriers to financing.⁹² Moreover, when funders require NGOs to be registered in countries that suppress freedom of association, it further curtails resourcing for independent NGOs. In Turkmenistan, an HRD pointed out that the government's requirements restrict eligibility to eight to ten GONGOs that can receive foreign funding.⁹³ The HRD expressed frustration after communicating with a U.N. funder about its requirement for the NGO to be registered in the country, since that disqualifies associations that can only operate safely and independently in the diaspora.⁹⁴

⁸⁹ Civicus Monitor, *Large and sustained protests against government's pro-Russian stance and Foreign Agent Law*, May 28, 2025, <https://monitor.civicus.org/explore/large-and-sustained-protests-against-governments-pro-russian-stance-and-foreign-agent-law/>.

⁹⁰ Civicus Monitor, *Large and sustained protests against government's pro-Russian stance and Foreign Agent Law*, May 28, 2025, accessed on Dec. 18, 2025 <https://monitor.civicus.org/explore/large-and-sustained-protests-against-governments-pro-russian-stance-and-foreign-agent-law/>.

⁹¹ Interview with HRD, Belarus, Mar. 4, 2024.

⁹² Interview with HRD, Turkmenistan, Nov. 20, 2025.

⁹³ Interview with HRD, Turkmenistan, Nov. 20, 2025.

⁹⁴ Email on file with The Advocates for Human Rights, Oct. 7, 2025.

Sanctions for Membership in an Association

Recommendation 1: States should not impose administrative or criminal sanctions against persons and associations for membership in an association.⁹⁵

Recommendation 2: Any regulations should be fair, objective, non-discriminatory,⁹⁶ and minor violations should not result in closure of the association or criminal prosecution of its members.⁹⁷

Foreign Agent laws disproportionately sanction many HRDs and NGOs, to the extent that these individuals or organizations face sanctions under several countries' laws. In Russia, administrative offenses generally include failures to provide notification of “Foreign Agent” status or to place the label on their social media publications.⁹⁸ In Georgia, members and leaders of organizations designated as “Foreign Agents” have reportedly been arrested, sanctioned, and subjected to custodial interrogation.⁹⁹ Similarly, under the Georgian Foreign Agents Registration Act (FARA), failure to register may result in criminal liability that can result in imprisonment for up to five years.¹⁰⁰

Governments have also fast-tracked criminal sanctions for repeat violations of laws. As of January 20, 2026, if a “Foreign Agent” is accused of an administrative offense in Russia, the individual may automatically be charged with a criminal offense if the second violation is committed within one year.¹⁰¹ Previously, a first-time violation of the Foreign Agent Law resulted in an administrative charge; a second violation resulted in a second administrative charge; any violations after that resulted in criminal charges. Once the new amendment goes into force in 2026, one administrative offense will be sufficient to trigger a criminal charge upon the second violation.¹⁰²

Laws and executive orders have also targeted for-profit associations when their activities are deemed counter to the current government's interests. In the United States, Executive Orders retaliated against law firms for past activities deemed contrary to the President's interests through a variety of punitive measures. For example, several of the orders were directed against

⁹⁵ U.N. Human Rights Committee, Concluding observations on the eight periodic report of the Russian Federation (Dec. 1, 2022), U.N. Doc. CCPR/C/RUS/CO/8, ¶¶34-35.; See also, Human Rights Committee, Concluding observations on the sixth periodic report of Sri Lanka (Dec. 1, 2022), U.N. Doc. CCPR/C/LKA/CO/6, ¶43.; See also, U.N. Human Rights Committee, Concluding Observations on Azerbaijan, UN Doc. CCPR/C/AZE/CO/4 (16 November 2016), ¶41.

⁹⁶ U.N. Human Rights Council, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, U.N. Doc. A/HRC/23/39, Apr. 24, 2013, ¶38.

⁹⁷ U.N. Human Rights Council, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, U.N. Doc. A/HRC/23/39, Apr. 24, 2013, ¶38.

⁹⁸ Interview with HRD, Russia, Nov. 25, 2025.

⁹⁹ Interview with HRD, Georgia, Nov. 19, 2025.

¹⁰⁰ Interview with HRD, Georgia, Nov. 19, 2025.

¹⁰¹ Interview with HRD, Russia, Nov. 25, 2025.

¹⁰² Interview with HRD, Russia, Nov. 25, 2025.

prominent U.S. law firms who employed attorneys who had represented President Trump’s opponents or otherwise offended him. On March 6, 2025, Trump issued an Executive Order titled *Addressing Risks from Perkins Coie LLP*.¹⁰³ It claimed “dishonest and dangerous activity” by the firm dating back decades, including allegedly dishonest activities while representing Hilary Clinton during her campaign against Mr. Trump in 2016 and working with “activist donors including George Soros to judicially overturn popular, necessary, and democratically enacted election laws, including those requiring voter identification.”¹⁰⁴ The Order imposed a panoply of punitive actions against the entire firm and every member or employee of the firm, penalizing every member of that association regardless of whether they had any involvement in the alleged activities complained of and absent any meaningful evidentiary hearing, notice or opportunity to be heard.¹⁰⁵ The punitive actions included investigations of the security clearances issued to *any* individual at Perkins, Coie; the requirement that government contractors disclose any business they do with Perkins, Coie and whether it is related to their government contract; the termination of any government contract with the law firm “to the maximum extent permitted by applicable law;” a call for guidance to limit the access to government buildings of employees of Perkins, Coie, and; a direction to agency officials to refrain from hiring employees of the firm absent a specific waiver from the agency head made in consultation with the Director of the Office of Personnel Management.¹⁰⁶ Analogous Executive Orders were subsequently issued against law firms, including” Paul, Weiss Rifkind, Wharton & Garrison LLP;¹⁰⁷ Wilmer, Hale, Cutler & Pickering LLP;¹⁰⁸ Susman Godfrey LLP,¹⁰⁹ and; Jenner & Block LLP.¹¹⁰ In every case in which the subject law firm challenged the Executive Orders in court, the orders were declared violative of U.S. law.¹¹¹

¹⁰³ White House, *Addressing Risks from Perkins Coie LLP*, Mar. 6, 2025, <https://www.whitehouse.gov/presidential-actions/2025/03/addressing-risks-from-perkins-coie-llp/>.

¹⁰⁴ White House, *Addressing Risks from Perkins Coie LLP*, Mar. 6, 2025, <https://www.whitehouse.gov/presidential-actions/2025/03/addressing-risks-from-perkins-coie-llp/>.

¹⁰⁵ White House, *Addressing Risks from Perkins Coie LLP*, Mar. 6, 2025, <https://www.whitehouse.gov/presidential-actions/2025/03/addressing-risks-from-perkins-coie-llp/>.

¹⁰⁶ White House, *Addressing Risks from Perkins Coie LLP*, Mar. 6, 2025, <https://www.whitehouse.gov/presidential-actions/2025/03/addressing-risks-from-perkins-coie-llp/>.

¹⁰⁷ White House, *Addressing Risks from Perkins Coie LLP*, Mar. 6, 2025, <https://www.whitehouse.gov/presidential-actions/2025/03/addressing-risks-from-perkins-coie-llp/>.

¹⁰⁸ White House, *Addressing Risks From WilmerHale*, Mar. 27, 2025, <https://www.whitehouse.gov/presidential-actions/2025/03/addressing-risks-from-wilmerhale/>.

¹⁰⁹ White House, *Addressing Risks from Susman Godfrey*, Apr. 9, 2025, <https://www.whitehouse.gov/presidential-actions/2025/03/addressing-risks-from-susman-godfrey>.

¹¹⁰ White House, *Addressing Risks from Jenner & Block*, Mar. 25, 2025, <https://www.whitehouse.gov/presidential-actions/2025/03/addressing-risks-from-jenner-block/>.

¹¹¹ *Perkins Coie LLP v. U.S. Department of Justice*, Civil Action No. 25-716 (BAH), Document 185 U.S. District Court for the Dist. Of Columbia (D.D.C. May 2, 2025); *Wilmer Cutler Pickering Hale and Dorr LLP v. Executive Office of the President*, Civil Action No. 25-917(RJL), Dkt. #15-16, U.S. District Court for the Dist. Of Columbia (D.D.C. May 27, 2025); *Susman Godfrey LLP v. Executive Office of the President*, Civil Action No. 25-1107(LLA), Document 206 (U.S. District Court for the Dist. Of Columbia (D.D.C. June 27, 2025); *Jenner & Block LLP v. U.S. Department of Justice*, Civil Action No. 25-916 (JDB), Document 138 (D.F.C. for the Dist. Of Columbia May 23, 2025). None of these rulings has been appealed.

Additionally, an Executive Order also targets law firms that have provided immigration services, describing the immigration as “replete with examples of unscrupulous behavior by attorneys and law firms” and alleging the immigration bar and “Big Law” advises clients to “conceal their past or lie” in asylum claims. The Executive Order cites the Federal Rules of Civil Procedure barring lawyers from unethical conduct and orders the Attorney General to pursue sanctions against “attorneys and law firms who engage in frivolous, unreasonable, and vexatious litigation against the United States or in matters before executive departments and agencies of the United States.”¹¹²

Individuals who do not register or notify the government they are acting as a Foreign Agent face sanctions. In Russia, one member of a women’s NGO, who is a designated “Foreign Agent,” was charged with an administrative offense and fined for forgetting to self-identify as a “Foreign Agent” after posting on Telegram, even though the post did not pertain to the organization or its mission.¹¹³ The fall 2024 amendments to Russia’s law now require people leading activities as a “Foreign Agent” to notify the government that they are acting as a “Foreign Agent.” If they do not provide notification that they are acting as a “Foreign Agent,” they are fined through administrative sanctions. An individual can face a fine of 30,000 – 50,000 rubles, heads of organizations can face a fine of 100,000 – 300,000 rubles, and organizations can face a fine of up to 500,000 rubles fine.¹¹⁴ Another Russian “Foreign Agent” corroborated these punishments and explained if they forget to label themselves as a “Foreign Agent” on their Facebook posts, such omission is a punishable violation of the law.¹¹⁵ Under Georgian law, failure to register as “organization pursuing the interests of a foreign power” with the National Agency of Public Registry operating under the governance of the Ministry of Justice of Georgia may lead to imposition of a GEL 25,000 fine (approx. \$8,900USD).¹¹⁶ The Georgian Foreign Agent Law considers this violation as continuous, meaning that failure to comply with the requirement after the first fine is imposed may trigger a repeated fine in the amount of GEL 10,000 (approx. 3650 US Dollars).¹¹⁷ Such fines can affect the existence of organizations that have not registered in accordance with the Georgian Foreign Agent Law. The Georgian Foreign Agent Law covers only legal entities, and not individuals, and implies fines for failure to submit annual income declarations.¹¹⁸ The Georgian FARA law, however, provides for criminal liability

¹¹² *Preventing Abuses of the Legal System and the Federal Court*, Presidential Memoranda, Mar. 22, 2025, <https://www.whitehouse.gov/presidential-actions/2025/03/preventing-abuses-of-the-legal-system-and-the-federal-court/>.

¹¹³ Interview with HRD, Russia, Nov. 25, 2025.

¹¹⁴ Interview with HRD, Russia, Nov. 25, 2025.

¹¹⁵ Interview with HRD, Russia, Nov. 26, 2025.

¹¹⁶ Article 9(1), Law of Georgia on Foreign Agents Registration Act, No. 399-II06-XI03, Apr. 1, 2025, at <https://matsne.gov.ge/en/document/view/6461578?publication=0>.

¹¹⁷ Article 9(2), Law of Georgia on Foreign Agents Registration Act, No. 399-II06-XI03, Apr. 1, 2025, at <https://matsne.gov.ge/en/document/view/6461578?publication=0>.

¹¹⁸ Nini Gabritchidze, *Georgian Dream’s FARA Takes Effect*, Civil.GE, May 31, 2025, <https://civil.ge/archives/684669>.

for noncompliance.¹¹⁹ Penalties range from fines of up to GEL 10,000 (approx. \$3,650 USD) to criminal charges and imprisonment of up to five years, or both.¹²⁰

Those working on behalf of marginalized populations, opposition groups, or on certain issues can face greater persecution. According to an HRD, if the Turkish government approves of an association's goals, such as a focus on the family, fathers' rights, and alcohol prevention, it will not interfere with these groups. But associations that work on gender, LBGTIQ+ rights, secularism, or the opposition are under greater scrutiny to be fined or even imprisoned.¹²¹ In Türkiye, the main opposition party and founding party of Atatürk, is targeted and the main opposition candidate has been imprisoned.¹²² The government also persecutes municipalities where the opposition is strong. The government defunds these municipalities and has arrested opposition leaders. One interviewee described how the government removed and imprisoned their local town leader. The first woman elected from the interviewee's municipality is also in jail. Once these opposition municipality leaders are removed from office and taken to prison, they can "stay there for years."¹²³

Governments at times prosecute those it deems to belong to an association, even one the state fabricates. The Russian Federation designated a so-called "International LBGTIQ+ Movement" as an Extremist Organization in November 2023.¹²⁴ This "movement" is not an actualized or registered organization, with one lawyer calling it "crazy" as there is no official international organization of LBGTIQ+. ¹²⁵ The state is now prosecuting a journalist, who advocates on behalf of the LBGTIQ+ community, for belonging to an Extremist Organization, which again does not exist.¹²⁶ In May 2025, the Russian government identified three members of an editorial organization "XMO" as being extremists for publishing materials supporting LBGTIQ+ issues in 2022 and 2023. The state initially jailed them and has placed them under house arrest while their case is pending.¹²⁷ Because of this case, bookstores in Russia no longer sell LBGTIQ+ books.¹²⁸ The Russian government uses a broad definition of extremist groups

¹¹⁹ Nini Gabritchidze, *Georgian Dream's FARA Takes Effect*, Civil.GE, May 31, 2025, <https://civil.ge/archives/684669>.

¹²⁰ Nini Gabritchidze, *Georgian Dream's FARA Takes Effect*, Civil.GE, May 31, 2025, <https://civil.ge/archives/684669>.

¹²¹ Interview with HRD, Türkiye, Dec. 3, 2025.

¹²² Interview with HRD, Türkiye, Dec. 3, 2025.

¹²³ Interview with HRD, Türkiye, Dec. 3, 2025.

¹²⁴ Kathryn Smith, *Russia Declares LGBTQ+ Activism "Extremist," Threatens the Lives of All LGBTQ+ People in Their Country*, Press Release, Human Rights Campaign, Dec. 1, 2023; See also, Interview with HRD, Russia, Feb. 16, 2024.

¹²⁵ Interview with HRD, Russia, Feb. 16, 2024.

¹²⁶ Interview with HRD, Russia, Nov. 25, 2025.

¹²⁷ Interview with HRD, Russia, Nov. 25, 2025.

¹²⁸ Interview with HRD, Russia, Nov. 25, 2025.

and identified football fan groups, religious movements, a satanist movement, and the rock group Pussy Riot as extremist organizations.¹²⁹

On September 22, 2025, President Trump issued an Executive Order to specifically designate “Antifa” as a domestic terrorist organization.¹³⁰ However, “Antifa” is not a real organization;¹³¹ it is a decentralized movement that has no clear structure or leadership and has never been involved in a terrorist incident.¹³² Nonetheless, President Trump described Antifa as a “militant, anarchist enterprise that explicitly calls for the overthrow of the United States Government, law enforcement authorities, and our system of law.”¹³³ As a result, this designation raises concerns regarding the conflation of an ideological movement with an organized entity. Such conflation risks enabling arbitrary enforcement measures against individuals based on discriminatory standards focused on perceived social groups rather than individual conduct.

Governments use multiple laws at one time to impose criminal sanctions. A Russian lawyer described how an LGBTIQ+ organization can be accused of being a “Foreign Agent,” “Undesirable,” and extremist organization under three different laws. The Government of Russia is basically using these laws, plus anti-terrorism legislation and any other available laws to restrain civil society’s activities and render them unfunctional. In their words, “They are using any law that can put them as criminal cases.”¹³⁴

Laws also aim at restricting individuals who communicate with foreign organizations that could potentially influence state policy. Russia expanded the Criminal Code to prosecute citizens in politically sensitive cases, such as espionage. They do not provide clear reasons for these provisions, but under these laws, Russians can prosecute any citizen. An interviewee explained that they could be prosecuted for treason under Article 275.1 of the Criminal Code, which punishes all persons who communicate with foreign organizations for treason if those organizations can change or influence policy within a Russian organization. The interviewee explained how they live in another country, work for, and study at a foreign organization. Should the Russian government find that the university has denounced Russia’s activities, the State can decide to prosecute and send the HRD to prison for three to eight years.¹³⁵ If the state finds evidence that the communications with the international organization on Russian policies amount to treason, Article 275 allows for life imprisonment.¹³⁶

¹²⁹ OVD, *Repression in Russia in 2025: An OVD-Info Review*, Dec. 18, 2025, <https://reports.ovd.info/repressii-v-rossii-v-2025-godu-obzor-ovd-info#1>.

¹³⁰ White House, *Designating Antifa as a Domestic Terrorist Organization*, Sept. 22, 2025, www.whitehouse.gov/presidential-actions/2025/09/designating-antifa-as-a-domestic-terrorist-organization/.

¹³¹ Interview with HRD, United States, Dec. 10, 2025.

¹³² James Oliphant, *Explainer: What is antifa and why is Trump targeting it?* Reuters, Oct. 8, 2025, <https://www.reuters.com/world/us/what-is-antifa-why-is-trump-targeting-it-2025-10-08/>.

¹³³ White House, *Designating Antifa as a Domestic Terrorist Organization*, Sept. 22, 2025, <https://www.whitehouse.gov/presidential-actions/2025/09/designating-antifa-as-a-domestic-terrorist-organization/>.

¹³⁴ Interview with HRD, Russia, Nov. 25, 2025.

¹³⁵ Interview with HRD, Russia, Nov. 26, 2025.

¹³⁶ Interview with HRD, Russia, Nov. 26, 2025.

States have revoked licensures of professionals. The Belarusian government stripped approximately 140 lawyers of their licenses, based on arbitrary and politically motivated reasons.¹³⁷ An HRD confirmed that Belarus revoked the licenses of all lawyers who represent political cases, resulting in a lack of licensed attorneys and lawyers’ reluctance to take political cases.¹³⁸ 2021 legal amendments prohibit lawyers from working as solo practitioners or from opening firms; lawyers must instead join regional bar association-created “legal consultation offices” that operate in coordination with the Ministry of Justice.¹³⁹

Recommendation 3: The State may not impose disproportionate or discriminatory restrictions on who can associate.

Government restrictions have targeted specific groups of people that discriminate based on protected grounds. As a Russian HRD observed, “pretty much all LGBTIQ+ groups” are now designated “Foreign Agents.”¹⁴⁰ As described above, Russia has designated a so-called “International LGBTIQ+ Movement” as an Extremist Organization in November 2023.¹⁴¹

Discriminatory education policies have limited access to higher education for students affiliated with religious schools. In North Macedonia, although the Law on Higher Education is grounded in the principle of equal treatment of students from religious and non-religious secondary schools, in practice it discriminates against students graduating from religious secondary schools.¹⁴² Students who attend high schools operated by the Macedonia Orthodox Church-Ohrid Archbishopric (MOC-OA) and the Islamic Religious Community in North Macedonia (IRC) are generally unable to enroll in secular universities,¹⁴³ as the law requires completion of a national matriculation exam as a prerequisite for university admission. However, graduates of religious secondary schools are ineligible to take this exam because these schools are permitted to use their own curricula without mandatory accreditation or certification by the Ministry of Education and Science.¹⁴⁴ Consequently, students in religious schools face systemic

¹³⁷ Human Rights Watch, *Belarus: Crackdown on Human Rights Lawyers*, May 27, 2024, <https://www.hrw.org/news/2024/05/27/belarus-crackdown-human-rights-lawyers>.

¹³⁸ Interview with HRD, Belarus, Mar. 4, 2024.

¹³⁹ Human Rights Watch, *Belarus: Crackdown on Human Rights Lawyers*, May 27, 2024, <https://www.hrw.org/news/2024/05/27/belarus-crackdown-human-rights-lawyers>.

¹⁴⁰ Interview with HRD, Russia, Feb. 22, 2025.

¹⁴¹ Kathryn Smith, *Russia Declares LGBTQ+ Activism “Extremist,” Threatens the Lives of All LGBTQ+ People in Their Country*, Press Release, Human Rights Campaign, Dec. 1, 2023; See also, Interview with HRD, Russia, Feb. 16, 2024.

¹⁴² Interview with HRD, North Macedonia, Dec. 8, 2025.

¹⁴³ U.S. Department of State, *North Macedonia 2023 International Religious Freedom Report* (2024), at 2, accessed on Dec. 11, 2025, <https://www.state.gov/wp-content/uploads/2024/05/547499-NORTH-MACEDONIA-2023-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf>.

¹⁴⁴ U.S. Department of State, *North Macedonia 2023 International Religious Freedom Report* (2024), at 6-7, accessed on Dec. 11, 2025, <https://www.state.gov/wp-content/uploads/2024/05/547499-NORTH-MACEDONIA-2023-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf>.

barriers and experience unequal treatment in their educational trajectories solely on the basis of their enrollment in religious institutions.

Recommendation 4: Persons involved in unregistered associations should be free to carry out activities without being subject to criminal sanctions.¹⁴⁵

Governments that use laws to delegitimize associations have continued persecution by pursuing charges against members who continue operations. In Russia, any person or association can be designated a “Foreign Agent,” including organizations that are officially and not officially registered. Once an organization is labeled as a “Foreign Agent,” the state removes it from the Ministry of Justice registry. As a result, such organizations can no longer function legally, as they are no longer registered. Should they continue functioning, the State can bring either administrative or criminal charges against them.¹⁴⁶

¹⁴⁵ U.N. Human Rights Council, Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Maina Kiai, UN Doc. A/HRC/20/27, May 21, 2012, ¶56; See also, U.N. Human Rights Council, Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Maina Kiai, U.N. Doc. A/HRC/29/25, Apr. 28, 2015, ¶59; See also, U.N. Human Rights Committee, M.T. v. Uzbekistan, U.N. Doc. CCPR/C/114/D/2234/2013, Oct. 1, 2015, ¶7.7.

¹⁴⁶ Interview with HRD, Russia, Nov. 25, 2025.

Suspension and Dissolution

Recommendation 1: Suspension and dissolution are the most severe restrictions.¹⁴⁷ They should be allowed only when there is a clear and imminent danger leading to a violation of national law.¹⁴⁸

Recommendation 2: Such measures should be strictly proportional to a legitimate aim and only used when no softer measures are available.¹⁴⁹

Recommendation 3: Suspension or involuntary dissolution should only be authorized by an impartial and independent court if clear and imminent danger that would violate domestic laws and in compliance with international human rights law.¹⁵⁰

There are multiple examples of governments forcibly shuttering NGOs. The Russian Ministry of Justice declared Memorial International a “Foreign Agent” and ordered it to shut down in 2021.¹⁵¹ Following the 2020 Belarusian presidential elections and ensuing crackdown on civil society, the government liquidated numerous NGOs and media outlets.¹⁵² Those who continue to work for a liquidated organization can be sentenced to two years in prison.¹⁵³ Such sanctions have a repressive effect on the visibility and impact of civil society’s work. Staff of liquidated organizations actively strive to not “show their work” to avoid criminal punishment.¹⁵⁴

¹⁴⁷ U.N. Human Rights Council, Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Maina Kiai, U.N. Doc. A/HRC/20/27, May 21, 2012, ¶75; See also, Human Rights Council, Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Maina Kiai, U.N. Doc. A/HRC/23/39, Apr. 24, 2013, ¶38.

¹⁴⁸ U.N. Human Rights Council, Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Maina Kiai, U.N. Doc. A/HRC/20/27, May 21, 2012, ¶75; See also, Human Rights Council, Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Maina Kiai, U.N. Doc. A/HRC/23/39, Apr. 24, 2013, ¶38.

¹⁴⁹ U.N. Human Rights Council, Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Maina Kiai, U.N. Doc. A/HRC/20/27, May 21, 2012, ¶75; Human Rights Council, Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Maina Kiai, U.N. Doc. A/HRC/23/39, Apr. 24, 2013, ¶38.

¹⁵⁰ U.N. Human Rights Council, Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Maina Kiai, U.N. Doc. A/HRC/20/27, May 21, 2012, ¶75.

¹⁵¹ Andrew Osborn & Mikhail Antonov, *Russia shuts Memorial Human Rights Centre in 'one-two punch'*, Reuters, <https://www.reuters.com/world/europe/moscow-court-shuts-down-russias-memorial-human-rights-centre-2021-12-29/>.

¹⁵² Radio Free Europe/Radio Liberty, *Belarus Shuts Down More NGOs Amid Continued Crackdown*, July 23, 2021, <https://www.rferl.org/a/belarus-shuts-down-ngos/31374183.html>.

¹⁵³ Interview with HRD, Belarus, Feb. 29, 2024.

¹⁵⁴ Interview with HRD, Belarus, Feb. 29, 2024.

Digital Surveillance and Security

Recommendation 1: Governments should refrain from internet shutdowns, content restrictions, online censorship, arbitrary or unlawful surveillance,¹⁵⁵ except where allowed under international human rights law.

Recommendation 2: States should accord online activities the same protection of the freedoms of expression, assembly and association as other activities.¹⁵⁶

Recommendation 3: Authorities should permit and support civil society's use of technical solutions to protect confidentiality of digital communications.¹⁵⁷

State actors conduct online surveillance using AI and have required internet providers to grant access to user communications. In Russia, government agents routinely search the internet and online communications for designated “Foreign Agents” who fail to self-identify in their online activities and for postings that violate various Russian edicts against anti-war, LGBTIQ+ advocacy, and other proscribed topics.¹⁵⁸ Those actors use powerful AI tools, such as Oculus and VEPR, for this surveillance.¹⁵⁹ They have required telecom and internet providers to give the government access to all user communications directly.¹⁶⁰ In the United States, the government also increasingly relies on AI surveillance technologies to identify comments published on social media by individuals, groups, and organizations.¹⁶¹ In some cases, monitoring has resulted in the revocation of student visas on the basis of online expression and association.¹⁶² Other observed impacts of these practices appear to include reduced student

¹⁵⁵ U.N. General Assembly Resolution 73/173: Promotion and protection of human rights and fundamental freedoms, including the rights to peaceful assembly and freedom of association, U.N. Doc. A/RES/73/173, Jan. 8, 2019, ¶ 4; See also, Human Rights Council, Resolution 50/17: The rights to freedom of peaceful assembly and of association, U.N. Doc A/HRC/RES/50/17, July 20, 2022, preamble; See also, U.N. Human Rights Council, Thematic Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, UN Doc. A/HRC/41/41, May 17, 2019, ¶¶42, 52, 64.

¹⁵⁶ U.N. General Assembly, Resolution 73/173: Promotion and protection of human rights and fundamental freedoms, including the rights to peaceful assembly and freedom of association, U.N. Doc. A/RES/73/173, Jan. 8, 2019, ¶4; See also, U.N. Human Rights Council, Resolution 50/17: The rights to freedom of peaceful assembly and of association, U.N. Doc A/HRC/RES/50/17, July 20, 2022, preamble; See also, European Center for Not-for-Profit Law (ECNL) and International Center for Non-Profit Law (ICNL), *Relevant Sources of Law on Article 22 ICCPR: Right to Freedom of Association* (July 2023), 29, accessed on Nov. 5, 2025, <https://ecnl.org/sites/default/files/2023-11/ECNL-ICNL-Relevant-Sources-of-Law-on-Article-22-ICCPR-report.pdf>.

¹⁵⁷ European Center for Not-for-Profit Law (ECNL) and International Center for Non-Profit Law (ICNL), *Relevant Sources of Law on Article 22 ICCPR: Right to Freedom of Association* (July 2023), 29, accessed on Nov. 5, 2025, <https://ecnl.org/sites/default/files/2023-11/ECNL-ICNL-Relevant-Sources-of-Law-on-Article-22-ICCPR-report.pdf>.

¹⁵⁸ Interview with HRD, Russia, Nov. 25, 2025.

¹⁵⁹ Natalia Garina, *Social Media in Russia: What is Allowed, What is Not, and How the Law, Monitoring Techniques and Technologies are Evolving*, Russia.Post, Sept, 11, 2025, https://russiapost.info/society/social_media_in_russia.

¹⁶⁰ Natalia Garina, *Social Media in Russia: What is Allowed, What is Not, and How the Law, Monitoring Techniques and Technologies are Evolving*, Russia.Post, Sept, 11, 2025, https://russiapost.info/society/social_media_in_russia.

¹⁶¹ Interview with HRD, United States, Dec. 10, 2025.

¹⁶² Freedom House, *Trump's Immigration Crackdown Is Built on AI Surveillance and Disregard for Due Process*, May 21, 2025, <https://freedomhouse.org/article/trumps-immigration-crackdown-built-ai-surveillance-and-disregard-due-process>.

participation in campus activities.¹⁶³ Taken together, these practices demonstrate the normalization of mass digital surveillance infrastructures that undermine privacy and the free exercise of expression and association online.

Beyond the expansion of mass and indiscriminate online surveillance, governments have employed targeted surveillance measures disproportionately against individuals perceived to be associated with groups deemed to contradict national interests. AI technologies are playing a larger role in such surveillance. In the United States, immigrants and individuals perceived to support pro-Palestinian causes are the primary targets of mass surveillance campaigns,¹⁶⁴ often in the absence of reasonable suspicion of serious criminal offenses. With the expanded use of AI technologies, the Department of Homeland Security has utilized tools such as Babel X and Palantir's Immigration OS to closely monitor online activity and perceived affiliations.¹⁶⁵ On April 30, 2025, the U.S. Secretary of State announced the Catch-and-Revoke policy,¹⁶⁶ which relies on AI tools to identify non-U.S. citizens alleged to support Hamas or other designated groups, resulting in visa cancellations.¹⁶⁷ Such practices violate the right to privacy and are often used to construct associative links that do not exist. As a result, these surveillance tactics risk deterring lawful participation in advocacy, protest, and association activities due to fear of surveillance and other punitive consequences.¹⁶⁸

Recommendation 4: Governments should refrain from blocking websites or banning organizations or persons from publishing material online.¹⁶⁹

Governments also block online sites and exert heavy control over virtual spaces in various ways. According to an HRD, the Turkmenistan government blocks all online sites that address politically sensitive topics.¹⁷⁰ This includes the United Nations and all human rights-related sites; for example, only two NGOs actively advocate for human rights in Turkmenistan;¹⁷¹ one NGO

¹⁶³ Interview with HRD, United States, Dec. 10, 2025.

¹⁶⁴ Interview with HRD, United States, Dec. 10, 2025.

¹⁶⁵ Amnesty International, *USA/Global: Tech made by Palantir and Babel Street pose surveillance threats to pro-Palestine student protestors & migrants*, Aug. 21, 2025, <https://www.amnesty.org/en/latest/news/2025/08/usa-global-tech-made-by-palantir-and-babel-street-pose-surveillance-threats-to-pro-palestine-student-protestors-migrants/>.

¹⁶⁶ Marco Rubio, *100 Days of an America First State Department*, U.S. State Department, Apr. 30, 2025, <https://statedept.substack.com/p/100-days-of-an-america-first-state-department>.

¹⁶⁷ Faiza Patel, *U.S. AI-Driven "Catch and Revoke" Initiative Threatens First Amendment Rights*, Brennan Center, Mar. 20, 2025, <https://www.brennancenter.org/our-work/analysis-opinion/us-ai-driven-catch-and-revoke-initiative-threatens-first-amendment-rights>.

¹⁶⁸ Interview with HRD, United States, Dec. 10, 2025.

¹⁶⁹ European Center for Not-for-Profit Law (ECNL) and International Center for Not-for-Profit Law (ICNL), *Relevant Sources of Law on Article 22 ICCPR: Right to Freedom of Association* (July 2023), accessed on Dec. 18, 2025, <https://ecnl.org/sites/default/files/2023-11/ECNL-ICNL-Relevant-Sources-of-Law-on-Article-22-ICCPR-report.pdf>, at n.23 (footnote omitted).

¹⁷⁰ Interview with HRD, Turkmenistan, Nov. 20, 2025.

¹⁷¹ Interview with HRD, Turkmenistan, Nov. 20, 2025.

maintains a website on public health, which is not blocked, while the other NGO maintains a website on human rights issues, which is blocked.¹⁷² Additionally, no one residing in Turkmenistan can download encrypted messaging app services,¹⁷³ further restricting civil society's ability to express and exchange ideas. The Turkmen government is engaged in building an entire internet of its own, the National Digital Network, which will enable it to control all cyber communication in the country.¹⁷⁴ Similarly, the Russian government has blocked or restricted numerous social media and other online information sources.¹⁷⁵ One report describes online blocking as a "habit" and notes that wartime censorship has become the norm.¹⁷⁶

Even without explicit restrictions, government intimidation can indirectly compel NGOs to take actions to limit their own expression. An HRD from Türkiye described a spectrum of repression: on one end, the state imposes restrictions such as sanctions and fines, while on the other end, government actors issue warnings and notices that they will be "watching" certain activities. When organizations face direct inspection and a "warning," they may be more likely to self-censor.¹⁷⁷ A North Macedonian NGO acknowledged the high degree of self-censorship when associations present interests opposite to the government. Otherwise, the backlash may portray such groups as a threat to society and or as destroying "family values and family."¹⁷⁸

Governments have also expanded their scrutiny of online content to content published in different languages. A Russian HRD described how the State's scrutiny is shifting to people who draft and post articles in English. Whereas before, Russia was only controlling posts written in Russian, it has now expanded to monitoring posts in other languages. Where the state finds a violation of the law, they can impose an administrative offense of 15,000 rubles.¹⁷⁹

Freedom from State Interference

Recommendation 1: Governments must respect associations' right to privacy. For example, officials cannot request annual reports in advance, enter an association's premises without advance notice, reverse board member elections, require government representatives at board meetings, or condition or force the withdrawal of an association's internal decisions.¹⁸⁰

¹⁷² Interview with HRD, Turkmenistan, Nov. 20, 2025.

¹⁷³ Interview with HRD, Turkmenistan, Nov. 20, 2025.

¹⁷⁴ Interview with HRD, Turkmenistan, Nov. 20, 2025.

¹⁷⁵ Garina, Natalia, *Social Media in Russia: What is Allowed, What is Not, and How the Law, Monitoring Techniques and Technologies are Evolving*, Russia.Post (Sept. 11, 2025), at 2-3.

¹⁷⁶ OVD, *Repression in Russia in 2025: An OVD-Info Review*, Dec. 18, 2025, <https://reports.ovd.info/repressii-v-rossii-v-2025-godu-obzor-ovd-info#1>.

¹⁷⁷ Interview with HRD, Türkiye, Dec. 3, 2025.

¹⁷⁸ Interview with HRD, North Macedonia, Dec. 11, 2025.

¹⁷⁹ Interview with HRD, Russia, Nov. 25, 2025.

¹⁸⁰ European Center for Not-for-Profit Law (ECNL) and International Center for Non-Profit Law (ICNL), *Relevant Sources of Law on Article 22 ICCPR: Right to Freedom of Association* (July 2023), 29, accessed on Nov. 5, 2025,

A Turkmen HRD reported how government officials attend NGO meetings and have the right to approve or not approve NGO activities.¹⁸¹

Recommendation 2: NGO registration should not require the disclosure of confidential, sensitive information in order to guarantee the right to privacy.

NGO registrations at times require the disclosure of detailed information, including confidential and sensitive information on beneficiaries. The Georgian government issues a request for information, which requires NGO service providers to disclose information on funding, project activities, and contracts, as well as sensitive information regarding beneficiaries. This poses a severe risk to protecting confidentiality, especially in the case of advocates, psychologists, and other health specialists. The government’s request for such information, i.e., contracts, indirectly requires the NGO to disclose client information. Specifically, the demand for all contracts includes the organization’s agreements with clients, whether LGBTIQ+ people, victims of sexual violence, or children, and includes very detailed information about the legal issue(s), type of service rendered, and how the client came into contact with the association. Turning over copies of contracts and reports includes private and sensitive information about the association’s beneficiaries.¹⁸²

Recommendation 3: Associations should be free of interference to carry out its statutory activities.¹⁸³

Regulations on political activities limit the ability of many associations to perform their ascribed missions. In Russia, there are 22 limitations on the activities of designated “Foreign Agents.”¹⁸⁴ In Türkiye, a law was proposed to criminalize activities such as the documentation of human rights violations.¹⁸⁵ The Turkish government first introduced a foreign agents bill in parliament in May 2024, which was subsequently passed by the Parliamentary Justice Commission on October 23, 2024.¹⁸⁶ The proposed Foreign Influence Agent Law stipulates that “anyone who, following instructions from a foreign state or organization, commits actions against national security or political interests may face three to seven years in prison.” The draft law would criminalize activities such as the documentation of human rights abuses. The ambiguity of the laws

<https://ecnl.org/sites/default/files/2023-11/ECNL-ICNL-Relevant-Sources-of-Law-on-Article-22-ICCPR-report.pdf> at n.150 (footnote omitted).

¹⁸¹ Interview with HRD, Turkmenistan, Nov. 20, 2025.

¹⁸² Interview with HRD, Georgia, Nov. 19, 2025.

¹⁸³ U.N. Human Rights Committee, Viktor Korneenko et al. v. Belarus, U.N. Doc. CCPR/C/88/D/1274/2004, Nov. 10, 2025.

¹⁸⁴ Interview with HRD, Russia, Nov. 25, 2025.

¹⁸⁵ Interview with HRD, Türkiye, Dec. 3, 2025.

¹⁸⁶ Stockholm Center for Freedom, *Foreign Agents Bill Passes in Turkish Parliament’s Justice Committee, Sparking Widespread Criticism from Civil Society*, Oct. 25, 2024, <https://stockholmcf.org/foreign-agents-bill-passes-in-turkish-parliaments-justice-committee-sparking-widespread-criticism-from-civil-society/>.

could lead to arbitrary interpretation, resulting in journalists, civil society organizations and human rights defenders being targeted and ostracized. This regulation, by defining the related crime with vague concepts and not presenting a concrete definition, subjects monitoring and research activities in the civil sphere to the threat of arrest and severe punishment. If this draft becomes law, it will pave the way for one of the principal duties and responsibilities of civil society to be criminalized and will be used as a tool to suppress civil society.¹⁸⁷

Laws have restricted academic institutions in the course content as well as the instructional sphere overall. One professor based in the U.S. described how the university’s regents will now be checking their courses on gender and race.¹⁸⁸ A Russian HRD cited an April 2025 law that bans “Foreign Agents” from any “educational activity,” so these organizations and individuals are unable to teach or publish within the country.¹⁸⁹

Recommendation 4: Associations should be free to decide their own objectives that are lawful under international law. Laws and regulations, including definitions and principles should be narrowly and precisely defined to disallow arbitration application.¹⁹⁰

Restrictions at times broadly focus on political activities or associations. The introduction of the Kyrgyz Law on Foreign Representatives¹⁹¹ conferred greater authority on the government to dissuade NPOs from engaging in political activities. The law establishes broad and ambiguous criteria for political activities: “A non-commercial organization shall be recognized as participating in political activities...if, regardless of the goals and objectives specified in its founding documents, it participates (including through financing) in organizing and conducting political actions aimed at influencing state bodies’ decision-making or shaping public opinion for

¹⁸⁷ Hamdi Firat Buyuk, *Turkey’s ‘Foreign Influence Agent Law’ Alarms Media, Civil Society*, Balkan Insight, May 9, 2024, <https://balkaninsight.com/2024/05/09/turkeys-foreign-influence-agent-law-alarms-media-civil-society/>; Amnesty International, *Türkiye: Proposed ‘Agents of Influence’ Law is Attack on Civil Society and Must Be Rejected*, Nov. 4, 2024, <https://www.amnesty.org/en/latest/news/2024/11/turkiye-proposed-agents-of-influence-law-is-attack-on-civil-society-and-must-be-rejected/>; See also, *Türkiye Today*, *Turkish Parliament postpones foreign agent law following backlash*, Nov. 13, 2024, <https://www.turkiyetoday.com/turkiye/turkish-parliament-postpones-foreign-agent-law-following-backlash-78572/>; See also, İsrail Özkan, *Turkey’s Foreign Agent Law: Echoes of Georgia’s Struggle for Freedom*, Ozgurluk Arastirmalari Dernegi, Oct. 31, 2024, <https://oad.org.tr/en/blogs/turkeys-foreign-agent-law-echoes-of-georgias-struggle-for-freedom/>.

¹⁸⁸ Interview with Professor, United States, Dec. 3, 2025.

¹⁸⁹ Interview with HRD, Russia, Nov. 25, 2025.

¹⁹⁰ Human Rights Committee, Concluding Observations Consideration of reports submitted by states parties under article 40 of the Covenant: Concluding observation of the Human Rights Committee Russian Federation (Dec 1, 2003), U.N. Doc. CCPR/CO/79/RUS, ¶20.; See also, Human Rights Committee, Consideration of reports submitted by states parties under article 40 of the Covenant: Concluding observation of the Human Rights Committee Islamic Republic of Iran (Nov. 29, 2011), U.N. Doc CCPR/C/IRN/CO/3, ¶ 26.

¹⁹¹ Catherine Putz, *Open Society Foundations Closes Down Kyrgyzstan Operation*, The Diplomat, Apr. 17, 2024, <https://thediplomat.com/2024/04/open-society-foundations-closes-down-kyrgyzstan-operation/>.

these purposes.”¹⁹² The forms of political activities include, inter alia, petitions to the state authorities, dissemination of opinions about the measures adopted by the governmental authorities and organizing of public events.¹⁹³ As a result, this law provides a legal basis to restrict many existing organizations, especially those focused on politics and advocacy, from performing their statutory activities.

Restrictions at times focus on certain human rights issues against which the government is opposed. In Georgia, the government uses the “Family Values Laws” to prohibit organizations from publishing “propaganda” advocating for LGBTIQ+ rights, effectively rendering LGBTIQ+ organizations incapable of advancing their interests.¹⁹⁴ These “Family Values Laws” have been strengthened by the anti-LGBTIQ+ propaganda law that prohibits civil society from speaking about this issue or from conducting any training.¹⁹⁵ Similarly, in Türkiye, a well-known human rights organization was put under audit and warned that its publications on LGBTIQ+ rights were outside its scope and that it needed to discontinue such publications.¹⁹⁶ These examples illustrate undue government interference in activities and internal functioning of non-governmental organizations, directly impeding the operations of many civil society organizations.

The vagueness of what constitutes political activity enables governments to repress civil society activities. In the case of Georgia’s FARA, they added a political element to encompass those involved in or connected to any political activity, and those financed or have any connection from abroad. For example, posting about a protest issue or attending meetings about early marriage have been considered political activities. In practice, there is no clear definition of what is meant by the term “political activity,” which makes it difficult for civil society to know when and how the government applies these laws.¹⁹⁷

Freedom from Threats, Intimidation, Violence, and Other Attacks and Harassment

Recommendation 1: States must guarantee freedom from threats, intimidation, violence, harassment, profiling, arrests, killings, excessive use of force, stigmatization, arbitrary detention and prosecution, torture, and travel bans.

¹⁹² Council of Europe, *Opinion on Law No. 72 of 2 April 2024 amending the law “On non-profit organisations,”* by European Commission for Democracy through Law (Venice Commission) (Oct. 14, 2024), at 5, <https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD%282024%29033-e>.

¹⁹³ Iana Fremer, *Kyrgyzstan: New Rules Imposed on Foreign Non-Governmental Organizations*, Law Library of Congress, Aug. 13, 2025, <https://www.loc.gov/item/global-legal-monitor/2024-08-12/kyrgyzstan-new-rules-imposed-on-foreign-non-governmental-organizations/>.

¹⁹⁴ Interview with HRD, Georgia, Nov. 19, 2025.

¹⁹⁵ Interview with HRD, Georgia, Nov. 19, 2025.

¹⁹⁶ Interview with HRD, Türkiye, Dec. 3, 2025.

¹⁹⁷ Interview with HRD, Georgia, Nov. 19, 2025.

Elected officials have engaged in or fomented harassment of civil society. Slovak Prime Minister Fico and his coalition members have launched media attacks and smear campaigns against civil society organizations.¹⁹⁸ Fico's political allies have made public claims that CSOs have embezzled public funds, and the Governmental Programme Declaration has stated that foreign-funded CSOs are attempting to influence democratic competition.¹⁹⁹

The vagueness of laws enables governments to harass civil society members and organizations with unwarranted investigations, interrogations and intimidation.²⁰⁰ In Georgia, the state uses a confluence of different laws, including the Foreign Influence Transparency Law, the Foreign Agents Registration Act, and the criminal “sabotage” law, to investigate associations and freeze bank accounts. The prosecutor's office initiated investigations of several NGOs for so-called sabotage and interrogated the organizations' leaders.²⁰¹ In June 2025, Georgia's Anti-Corruption Bureau initiated an investigation into the Social Justice Center, a Tbilisi-based human rights NGO, for alleged violations of the Law on Combating Corruption, the Law on Grants, and the Law on Political Associations of Citizens.²⁰² The Bureau froze the Center's bank accounts and demanded unrestricted access to the information concerning its activities.²⁰³ In addition, the State froze the funds of seven NGOs based on an investigation of undefined “sabotage” charges, including: the Social Justice Center as described above, the International Society of Fair Elections and Democracy, the Institute for Development of Freedom of Information, the Georgian Democracy Initiative, Union Sapari, the Civil Society Foundation (formerly Open Society Foundation) and Democracy Defenders.²⁰⁴ States have also found other reasons to persecute HRDs outside of typical “foreign agent” or counter-terrorism laws. In Belarus, a women's rights organization was accused of laundering foreign funds they had secured for their work.²⁰⁵

Governments scrutinize NGOs for use of state funding on activities with which the government does not agree. In the United States, NGOs have faced increasing congressional

¹⁹⁸ Rob Schmitz, *Worry and concern follow pro-Kremlin candidate's victory in Slovakia election*, NPR, Oct. 2, 2023, <https://www.npr.org/2023/10/02/1202978126/slovakia-election-fico-ukraine-russia>.

¹⁹⁹ European Center for Not-for-Profit Law, *Slovakia: Civil Society Under Threat*, Dec. 21, 2023, <https://ecnl.org/news/slovakia-civil-society-under-threat#:~:text=The%20Prime%20Minister%20stated%20that,of%20civil%20society%20is%20endangered>.

²⁰⁰ Interview with HRD, Georgia, Nov. 19, 2025.

²⁰¹ Interview with HRD, Georgia, Nov. 19, 2025.

²⁰² Front Line Defenders, *Prosecutor's Office Freezes the Bank Accounts of Seven More Human Rights and Civil Society Organisations*, June 24, 2025, <https://www.frontlinedefenders.org/en/case/prosecutors-office-freezes-bank-accounts-seven-more-human-rights-and-civil-society-1>.

²⁰³ Front Line Defenders, *Prosecutor's Office Freezes the Bank Accounts of Seven More Human Rights and Civil Society Organisations*, June 24, 2025, <https://www.frontlinedefenders.org/en/case/prosecutors-office-freezes-bank-accounts-seven-more-human-rights-and-civil-society-1>.

²⁰⁴ Interview with HRD, Georgia, Nov. 19, 2025; See also, Front Line Defenders, *Prosecutor's Office Freezes the Bank Accounts of Seven More Human Rights and Civil Society Organisations*, June 24, 2025, <https://www.frontlinedefenders.org/en/case/prosecutors-office-freezes-bank-accounts-seven-more-human-rights-and-civil-society-1>.

²⁰⁵ Interview with HRD, Belarus, Mar. 4, 2024.

scrutiny for federally-funded activities. For example, the U.S. House of Representatives Committee on Homeland Security held a hearing on July 16, 2025, entitled, “An Inside Job: How NGOs Facilitated the Biden Border Crisis.”²⁰⁶ In advance of that hearing, the Committee sent letters of correspondence to a number of NGOs that provide services to immigrants, expressing concern that these NGOs “used U.S. taxpayer money to enable the Biden border crisis by incentivizing and facilitating illegal immigration” and demanding detailed information about activities and funding sources.²⁰⁷ These scrutiny measures risk chilling the legitimate activities of civil society organizations.

Government resources are used to dissuade universities from allowing student participation in associations, clubs, and other student groups. In the United States, withholding government funding from universities is a government tactic that has impacted freedom of association on university campuses across the country.²⁰⁸ Muslim rights groups, particularly pro-Palestinian student organizations, are indirectly targeted by the government through its pressure on universities.²⁰⁹ In essence, the basis of these attacks is centered on the content these Muslim rights groups represent, especially as they contradict the pro-Israel stance of the government.²¹⁰ As such, academic institutions may be pressured to punish or suspend student groups that do not align with the current political climate.²¹¹ When these groups participate in protests, it presents an opportunity to label them as “antisemitic” and accuse protestors of partaking in violence, even if they were non-violent and peaceful.²¹² In some cases, the federal government has used the Department of Education to initiate civil rights investigations into allegations of antisemitism on university campuses.²¹³ Ultimately, these practices demonstrate how civil rights enforcement mechanisms are being leveraged in ways to undermine freedom of association on university campuses.

Lawyers who take cases representing civil society organizations, their members, and other sensitive cases have been prosecuted and jailed.²¹⁴ The Special Rapporteur on the Russian Federation has described the many anti-war protestors, dissenters, journalists and political prisoners who have been prosecuted, imprisoned and otherwise harassed by the government of

²⁰⁶ Committee on Homeland Security Event, “An Inside Job: How NGOs Facilitated the Biden Border Crisis,” Online Video Clip, *YouTube*, YouTube, July 16, 2025, accessed July 16, 2025.

²⁰⁷ Information on file with The Advocates for Human Rights.

²⁰⁸ Interview with HRD, United States, Dec. 10, 2025.

²⁰⁹ Interview with HRD, United States, Dec. 10, 2025.

²¹⁰ Interview with HRD, United States, Dec. 10, 2025.

²¹¹ Interview with HRD, United States, Dec. 10, 2025.

²¹² Interview with HRD, United States, Dec. 10, 2025.

²¹³ Press Office, U.S. Department of Education Probes Cases of Antisemitism at Five Universities, U.S. Department of Education, Feb. 3, 2025, <https://www.ed.gov/about/news/press-release/us-department-of-education-probes-cases-of-antisemitism-five-universities>.

²¹⁴ Interview with HRD, Russia, Mar. 7, 2023.

the Russian Federation.²¹⁵ The state often brings charges of “fake information” and extremism against human rights lawyers.²¹⁶

Private actors have also threatened and harassed civil society members and journalists. In the case of a Russian journalist, intruders came to their home and threw an object at their window following the announcement of their charges for belonging to an Extremist Organization, the so-called International LGBTIQ+ Movement.²¹⁷ A Russian HRD recounted how a journalist and lawyer survived kidnapping and a severe physical attack after they attended the sentencing of a political prisoner.²¹⁸ In another example, a North Macedonian NGO leader described how a private actor came to their office, intimidated staff, and physically attacked one of their service providers, threatening their life. This caused panic for everyone, as they realized it could happen to any service provider.²¹⁹

Designation as a “Foreign Agent” carries risks of threats and attacks. A Georgian lawyer described how a ‘Foreign Agent’ designation creates a hostile environment, as well as elevated risk of attacks, physical and emotional threats, and a culture of impunity when such incidents are not investigated. For example, no one has been held accountable for physically attacking people participating in protests.²²⁰

²¹⁵ U.N. Human Rights Council, *Situation of Human Rights in the Russian Federation-Report of the Special Rapporteur on the Situation of Human Rights in the Russian Federation*, U.N. Doc. A/HRC/57/59, Sept. 13, 2024, ¶11; See also, Federal Law No. 89-FZ, Apr. 21, 2025.

²¹⁶ Interview with HRD, Russia, Feb. 16, 2024.

²¹⁷ Interview with HRD, Russia, Nov. 25, 2025.

²¹⁸ Meduza, *Oni tykali menya golovoy v zemlyu, zastavlyali ee est*, July 6, 2023, <https://meduza.io/feature/2023/07/06/oni-tykali-menya-golovoy-v-zemlyu-zastavlyali-ee-est?ysclid=lsx8iace3841201910>; See also, Interview with HRD, Russia, Feb. 16, 2024.

²¹⁹ Interview with HRD, North Macedonia, Dec. 11, 2025.

²²⁰ Interview with HRD, Georgia, Nov. 19, 2025.

Counter-Terrorism Measures

Recommendation 1: Funding restrictions with the aim of addressing terrorism must be proportionate and necessary, the least-intrusive means to meet the goal, and be limited to associations falling within the “clearly identified aspects characterizing terrorism only.”²²¹

Recommendation 2: The government bears the burden to demonstrate any such restriction is “necessary” to avert real, i.e. not hypothetical, danger to national security and democratic order.²²²

When governments’ apply the “domestic terrorism” label to civil society groups, it does not meet the state’s legal definition of terrorism and further restricts civil societies’ activities.

On September 25, 2025, following the assassination of conservative activist Charlie Kirk, President Trump issued a Memorandum using Mr. Kirk’s death as an excuse to denounce political violence against the political right of the United States.²²³ Although the Memorandum was not sustained by evidence, it did not limit the President from labelling the opposition as terrorist groups and soliciting the establishment of a National Joint Terrorism Task Force to investigate all participants that belong to these criminal and terroristic organized structures, networks, entities, and organizations.²²⁴ Beyond these direct participants, the Memorandum calls on the Task Force to investigate funders and their employees who “sponsor or otherwise aid and abet” the alleged criminal conduct of supporting or encouraging domestic terrorism.²²⁵ On the domestic level, many organizations supporting immigrants have been labelled as “domestic terrorists.”²²⁶ At the state level, Governor of Texas Greg Abbott²²⁷ and Governor of Florida Ron

²²¹ *Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association*, Maina Kiai, U.N. Doc. A/HRC/23/39, Apr. 24, 2013, ¶23; see also U.N. Human Rights Council, *Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association*, Clément Nyaletsossi Voule, UN Doc. A/HRC/50/23, May 10, 2022, ¶¶33-34.

²²² U.N. Human Rights Committee, *Mr. Jeong-Eun Lee v. Republic of Korea*, U.N. Doc. CCPR/C/84/D/1119/2002, Aug. 23, 2025, ¶7.2.

²²³ National Security Presidential Memorandum, *Countering Domestic Terrorism and Organized Political Violence*, The White House, Sept. 25, 2025, <https://www.whitehouse.gov/presidential-actions/2025/09/countering-domestic-terrorism-and-organized-political-violence/>.

²²⁴ National Security Presidential Memorandum, *Countering Domestic Terrorism and Organized Political Violence*, The White House, Sept. 25, 2025, <https://www.whitehouse.gov/presidential-actions/2025/09/countering-domestic-terrorism-and-organized-political-violence/>.

²²⁵ National Security Presidential Memorandum, *Countering Domestic Terrorism and Organized Political Violence*, The White House, Sept. 25, 2025, <https://www.whitehouse.gov/presidential-actions/2025/09/countering-domestic-terrorism-and-organized-political-violence/>.

²²⁶ Interview with HRD, United States, Dec. 10, 2025.

²²⁷ Governor Greg Abbott, Proclamation by the Governor of the State of Texas, Texas.Gov, Nov. 18, 2025, [PROC_declaring_Muslim_Brotherhood_and_CAIR_Transnational_Criminal_Organizations_IMAGE_11-18-2025.pdf](https://www.texas.gov/assets/images/Executive/PROC_declaring_Muslim_Brotherhood_and_CAIR_Transnational_Criminal_Organizations_IMAGE_11-18-2025.pdf).

DeSantis²²⁸ have declared the Council on American-Islamic Relations (“CAIR”) and the Muslim Brotherhood as Foreign Terrorist Organizations. As such, these measures reflect a discriminatory exercise of federal and state authority to curtail the activities of associations on the basis of identity and political views, especially as it is based on a hypothetical danger.²²⁹

Counter-terrorism laws are also employed against opposition or political groups. Russia has brought terrorism charges and sentenced numerous individuals to prison for their involvement in opposition movements and against politicians for activities such as participating in opposition marches.²³⁰

Recommendation 3: States should avoid imprecise, vague and ambiguous definitions of terrorism.²³¹

Vaguely-defined or overreaching terrorism laws enable governments to undertake broad actions to suppress civil society and the media. In Türkiye, Law No. 7262 on the Prevention of the Financing of the Proliferation of Weapons of Mass Destruction lumps all CSOs into the same category with violent terrorist organizations and gives the government’s Financial Action Task Force (“FATF”) broad authority to investigate and sanction the organizations and their members.²³² Individual organization members who are under investigation by FATF cannot serve on their organization’s board nor become members of any other organization.²³³ Articles 6 and 7 of the Anti-Terror Law provide that protestors may be prosecuted for terrorism based on the content of their slogans and placards.²³⁴ In Russia, independent media organizations are designated as Terrorist Organizations, including those run by or for minority and indigenous peoples.²³⁵ A U.S. Executive Order issued on September 22, 2025, specifically designated something called “Antifa” as a domestic terrorist organization and described it as a “militant,

²²⁸ Associated Press, *DeSantis declares Muslim civil rights group as terrorist*, Tampa Bay Times, Dec. 8, 2025, <https://archive.ph/NkG7O#selection-3571.189-3581.6>.

²²⁹ Human Rights Committee, *Aleksander Belyatsky et al v. Belarus*, U.N. Doc. CCPR/C/90/D/1296/2004, July 24, 2007, ¶7.3; See also, Human Rights Council, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsossi Voule, UN Doc. A/HRC/50/23, May 10, 2022, ¶14.

²³⁰ OVD, *Repression in Russia in 2025: An OVD-Info Review*, Dec. 18, 2025, <https://reports.ovd.info/repressii-v-rossii-v-2025-godu-obzor-ovd-info#1>.

²³¹ European Center for Not-for-Profit Law (ECNL) and International Center for Not-for-Profit Law (ICNL), *Relevant Sources of Law on Article 22 ICCPR: Right to Freedom of Association* (July 2023), accessed on Dec. 18, 2025, <https://ecnl.org/sites/default/files/2023-11/ECNL-ICNL-Relevant-Sources-of-Law-on-Article-22-ICCPR-report.pdf>, at n.159 (footnote omitted).

²³² The Advocates for Human Rights, *Türkiye, Stakeholder Report for the United Nations Universal Periodic Review: Gender-Based Violence Against Women*, Nov. 10, 2024, ¶28.

²³³ The Advocates for Human Rights, *Türkiye, Stakeholder Report for the United Nations Universal Periodic Review: Gender-Based Violence Against Women*, Nov. 10, 2024, ¶28.

²³⁴ The Advocates for Human Rights, *Türkiye, Stakeholder Report for the United Nations Universal Periodic Review: Gender-Based Violence Against Women*, Nov. 10, 2024, ¶28.

²³⁵ Human Rights Council, *Situation of Human Rights in the Russian Federation-Report of the Special Rapporteur on the Situation of Human Rights in the Russian Federation*, U.N. Doc. A/HRC/57/59, Sept. 13, 2024, ¶11; See also, Federal Law No. 89-FZ, Apr. 21, 2025.

anarchist enterprise that explicitly calls for the overthrow of the United States Government, law enforcement authorities, and our system of law.”²³⁶

Terrorism charges are often coupled with other charges, such as insulting the state leader.

In Turkey, the Erdoğan regime has persecuted and imprisoned thousands of its perceived political opponents, lawyers, journalists, and human rights defenders, both persons and organizations.²³⁷ The principal charges brought against them are often based on aiding or abetting a terrorist organization, commonly the Kurdistan Workers Party or PKK, dividing society by encouraging hatred or violations of national sovereignty, and insulting the President, which is expressly prohibited and cause for imprisonment under Article 299 of the Turkish Criminal Code.²³⁸ Such charges are often brought against NGOs and their members that advocate for causes the government disfavors, such as gender equality, but not against GONGOS or other NGOs that favor or are irrelevant to government positions on controversial issues.²³⁹ A Turkish women’s rights activist explained how insulting the president or even laughing about the president is a crime under Article 299 of the Criminal Code for insulting the head of state and officials.²⁴⁰ Per the Criminal Code, a violation can result in one to four years of prison, which can be increased if done with intent and purpose, especially if the insult was highly public. As such, Article 299 is intended to protect the reputation of the president, and this statute is very commonly applied to punish the opposition.²⁴¹ In Russia, other charges such as financing extremist activity are also brought alongside others charged with terrorism.²⁴²

A Swedish journalist who often writes about democracy and human rights issues flew to Istanbul in March 2025 to cover the arrest and imprisonment of Istanbul Mayor Imamoglu, expected to be the Presidential opposition candidate in 2028.²⁴³ Authorities detained the journalist at the airport and informed them that they had a warrant for their arrest.²⁴⁴ The government charged them with insulting the President, disseminating terrorist propaganda, and membership in a terrorist organization (unspecified but likely the PKK).²⁴⁵ They were incarcerated in Marmara Prison.²⁴⁶ Their first trial, on the charge of insulting the President, resulted in a guilty verdict and a sentence of 11 months, 20 days.²⁴⁷ Both the Parliament of the European Union and the Council

²³⁶ White House, *Designating Antifa as a Domestic Terrorist Organization*, Sept. 22, 2025, <https://www.whitehouse.gov/presidential-actions/2025/09/designating-antifa-as-a-domestic-terrorist-organization/>.

²³⁷ Interview with HRD, Türkiye, Dec. 3, 2025.

²³⁸ Interview with HRD, Türkiye, Dec. 3, 2025.

²³⁹ Interview with HRD, Türkiye, Dec. 3, 2025.

²⁴⁰ Interview with HRD, Türkiye, Dec. 3, 2025; See also, Art. 299, Criminal Code of Türkiye.

²⁴¹ Interview with HRD, Türkiye, Dec. 3, 2025.

²⁴² OVD, *Repression in Russia in 2025: An OVD-Info Review*, Dec. 18, 2025, <https://reports.ovd.info/repressii-v-rossii-v-2025-godu-obzor-ovd-info#1> citing Art. 282(3) of the Criminal Code/

²⁴³ Interview with Journalist, Sweden, Dec. 1, 2025; See also, The Guardian, ‘Entirely Political’: Istanbul Mayor Charged With 142 Offences That Could Total 2,000 Years in Jail, Nov. 12, 2025, <https://www.pressreader.com/usa/the-guardian-usa/20251112/281827175033374>.

²⁴⁴ Interview with Journalist, Sweden, Dec. 1, 2025.

²⁴⁵ Interview with Journalist, Sweden, Dec. 1, 2025.

²⁴⁶ Interview with Journalist, Sweden, Dec. 1, 2025.

²⁴⁷ Interview with Journalist, Sweden, Dec. 1, 2025.

of Europe called for their release.²⁴⁸ After 51 days of captivity, they were suddenly and without explanation released and deported back to Sweden on May 15, 2025.²⁴⁹ Their editor-in-chief has restricted their newspaper's activities by adopting a policy that none of their reporters may travel to Türkiye for the foreseeable future.²⁵⁰ The journalist has learned that their name was the only one on a list of 15 Swedish citizens who have open arrest warrants in Türkiye and are likely to be detained if they travel there.²⁵¹ A great many Turkish journalists are imprisoned for charges analogous to those used against the Swedish journalist.²⁵²

States should review and abolish criminal norms that violate Article 22 and improperly use counter-terrorism laws to criminalize civil society.²⁵³ In Türkiye, a journalist observed how the government has consistently and deliberately attacked associations in Türkiye and either entire associations or people affiliated with organizations of being terrorists over the past ten years. The government consistently links people exercising basic rights with people committing terror crimes. Authorities have used these “rubber paragraphs” in their terrorism legislation to prosecute and imprison people and organizations using freedom of association.²⁵⁴ In Russia, the government employs the terrorist organization law against anti-war supporters and human rights defenders. They explained the law is written so that virtually anyone can fall under the scope of the law if they are engaged in anti-war activities or human rights. Organizations that are publishing expressions, conducting activities, or holding conferences with an anti-war agenda have been labelled as criminal organizations.²⁵⁵

States have also used treason charges to persecute associations deemed to threaten national security. Russian authorities conducted several searches and brought treason charges against one of the founders of Revolt Center, a cultural center, presumably for its opposition to the war in Ukraine.²⁵⁶

²⁴⁸ Interview with Journalist, Sweden, Dec. 1, 2025.

²⁴⁹ Interview with Journalist, Sweden, Dec. 1, 2025.

²⁵⁰ Interview with Journalist, Sweden, Dec. 1, 2025.

²⁵¹ Interview with Journalist, Sweden, Dec. 1, 2025.

²⁵² Interview with HRD, Türkiye, Dec. 3, 2025.

²⁵³ European Center for Not-for-Profit Law (ECNL) and International Center for Non-Profit Law (ICNL), *Relevant Sources of Law on Article 22 ICCPR: Right to Freedom of Association* (July 2023), 29, accessed on Nov. 5, 2025, <https://ecnl.org/sites/default/files/2023-11/ECNL-ICNL-Relevant-Sources-of-Law-on-Article-22-ICCPR-report.pdf>, at n.163 (footnote omitted).

²⁵⁴ Interview with Journalist, Sweden, Dec. 1, 2025.

²⁵⁵ Interview with HRD, Russia, Nov. 25, 2025.

²⁵⁶ OVD, *Repression in Russia in 2025: An OVD-Info Review*, Dec. 18, 2025, <https://reports.ovd.info/repressii-v-rossii-v-2025-godu-obzor-ovd-info#1>; Oliver Fisk, Cultural Centre in Northern Russia Graffitied with Pro-War Signs Days after Security Service Raid, July 11, 2025, <https://novayagazeta.eu/articles/2025/07/11/cultural-centre-in-northern-russia-graffitied-with-pro-war-signs-days-after-security-service-raid-en-news>.

Other Inter-Related Rights

Recommendation 1: Governments must review legislation to ensure it respects the right to work as it relates to freedom of association and ensure its compliance with international human rights law.

Once an individual is designated a “Foreign Agent,” their options to work in that country are severely limited, if not impossible. A Russian lawyer labeled as a “Foreign Agent” described how they had been collaborating with organizations in the same field; however, those international organizations reduced their engagement with them because of their status. Those international organizations were afraid to be associated with “Foreign Agents” as they feared accusations of working with them. Because Russia’s Foreign Agent law requires them to disclose their “Foreign Agent” status in any document, in court, and when meeting people, this disclosure limited their activities, created financial constraints, and impacted people’s trust in them. In other words, the “Foreign Agent” label limited all of their activities.²⁵⁷

Recommendation 2: Governments must review legislation to ensure it respects freedom of movement as it relates to freedom of association and ensure its compliance with international human rights law.

Restrictions on freedom of association have also impacted freedom of movement. Russia has bilateral agreements with 10 countries, providing that if members of organizations labeled “Foreign Agents,” extremists, “Undesirables,” or terrorists travel to those countries, they will be deported back to Russia.²⁵⁸ In some cases, States simply deny entry to those known to be “Foreign Agents.” A Russian human rights lawyer described how authorities barred their entry into Georgia due to their status as a designated “Foreign Agent” in Russia, explaining that critics of the Russian regime are disallowed from entering Georgia.²⁵⁹ As a result, freedom of movement is limited, as the HRD will not enter countries that feel insecure.²⁶⁰

Recommendation 3: Governments must review legislation to ensure it respects the right to own property as it relates to freedom of association and ensure its compliance with international human rights law.

Foreign Agent laws have also been used to limit the right to own property. Amendments to the Foreign Agents Law in 2025 impose even more stringent financial restrictions on designated foreign agents. The bank accounts of foreign agents, whether organizations or individuals, are

²⁵⁷ Interview with HRD, Russia, Nov. 25, 2025.

²⁵⁸ Interview with HRD, Russia, Nov. 25, 2025.

²⁵⁹ Interview with HRD, Russia, Nov. 25, 2025.

²⁶⁰ Interview with HRD, Russia, Nov. 25, 2025.

now “Special Bank Accounts” for which the government is free to decide how the interest income is to be spent and whether the funds in the account should be depleted for the payment of fines.²⁶¹ All income from investments, dividends from business organizations and income from intellectual property go into the Special Bank Accounts and are under government control.²⁶² Foreign agents are subject to a discriminatory income tax rate cap of 30 percent, while the cap for other Russian citizens is 15 percent.²⁶³ If any property is inherited by foreign agents, they are obliged to pay 30 percent of the value of the asset to the government, while other Russian citizens have no such obligation.²⁶⁴

Conclusion

This submission demonstrates that restrictions on Freedom of Association under Article 22 of the ICCPR are no longer isolated or exceptional, but increasingly systematic, transnational, and mutually reinforcing. Across diverse political systems, States are deploying common tools—onerous registration regimes, discriminatory funding restrictions, vague “foreign agent” and counter-terrorism laws, digital surveillance, and punitive sanctions—to delegitimize, disable, and criminalize civil society. These measures frequently fail to meet the requirements of legality, necessity, and proportionality and are often applied in a discriminatory manner, particularly against organizations and individuals working on women’s rights, LGBTIQ+ equality, minority rights, migration, environmental justice, and political accountability. The cumulative impact of these practices extends beyond associations themselves, eroding related rights to expression, assembly, privacy, work, movement, and property, and undermining the foundations of democratic participation and the rule of law.

General Comment No. 38 presents an important moment in time for the U.N. Human Rights Committee to clarify States’ positive obligations to protect freedom of association and to draw clear red lines against the misuse of regulatory, funding, counter-terrorism, and surveillance frameworks to suppress civil society. The Committee should reaffirm that associations must be able to form, operate, access resources, communicate, and advocate—online and offline—without fear of reprisal, stigmatization, or arbitrary interference. Clear guidance is urgently needed to ensure that Article 22 remains a meaningful safeguard for human rights defenders and civil society actors worldwide, particularly in the face of increasingly sophisticated and coordinated efforts to silence them.

²⁶¹ Interview with HRD, Russia, Nov. 25, 2025.

²⁶² Interview with HRD, Russia, Nov. 25, 2025.

²⁶³ Interview with HRD, Russia, Nov. 25, 2025.

²⁶⁴ Interview with HRD, Russia, Nov. 25, 2025.