


# CIVICUS's Input to the UN Human Rights Committee Related to General Comment No. 38 on Article 22 (Freedom of Association) of the International Covenant on Civil and Political Rights (ICCPR)

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# Introduction

In this submission, CIVICUS: World Alliance for Citizen Participation presents key issues and trends for consideration by the UN Human Rights Committee in the process of development of General Comment No. 38 on Article 22 of the International Covenant on Civil and Political Rights. These inputs are drawn from CIVICUS's prominent resources, including recent People Power Under Attack Reports,[1] State of Civil Society Reports,[2] and Foreign Agent Laws Report,[3] which involve extensively utilizing civil society generated data across the Americas, Asia Pacific, Europe, the Middle East and North Africa, and sub-Saharan Africa including at the regional and national levels, reflecting standing, current, and emerging threats to freedom of association globally.

The input examines critical challenges and concerns regarding restrictions to the right of freedom of association in the current global context and related attacks and threats against civil society across regional contexts as documented through the CIVICUS's Monitor, a participatory research initiative focused on evaluating the respect for freedoms of association, as well as expression and peaceful assembly in law, policy, and practice within countries and over time, and the organisation's ongoing research and analysis initiative, the CIVICUS's Lens. Through the submission, CIVICUS also outlines its primary recommendations for an impactful and evidence-driven General Comment No. 38.

According to data from the CIVICUS Monitor, approximately 73% of the world's population lives in countries where civic freedoms, including the right to freedom of association, are severely restricted. Against the backdrop of closing of civic space and intensification of threats to associational freedoms, CIVICUS and its members commend the Human Rights Committee's decision to focus the next General Comment on ICCPR Article 22.

The right to freedom of association is a fundamental human right, as recognised by bills of rights and international treaties. Building on well-established legal principles re-affirmed through Committee decisions and reports by relevant UN special mandate holders, General Comment No. 38 will be a timely and paramount effort by the Committee to strengthen the international human rights framework and implementation

[1] CIVICUS Monitor, *People Power Under Attack* reports 2022, 2023, 2024 and 2025, available at https://monitor.civicus.org/
[2] CIVICUS, *State of Civil Society Reports*, annual edition, available at https://www.civicus.org/index.php/media-center/reports-publications/socs-reports
[3] CIVICUS, *Cutting civil society's lifeline: The global spread of foreign agents laws*, October 2025, available at https://publications.civicus.org/publications/foreign-agents-laws-report/

of the right to freedom of association and related civic freedoms at the global, regional, national, and local levels.

## State of the right to freedom of association

The CIVICUS Monitor's methodology combines qualitative and quantitative data inputs verified through a network of over 20 civil society research partners around the world, with each civic space incident tagged by violation type, victim, and the action that triggered it, allowing for meaningful comparisons across countries and over time.

Of all the civic space violations recorded across the three civic freedoms monitored by CIVICUS in 2025, violations of freedom of association constituted 26.6%, with more than **800** incidents documented.

In 2024, violations of freedom of association accounted for 26% of all violations documented, with more than **650** incidents recorded, many of which occurred during electoral cycles following restrictions on the right to freedom of peaceful assembly.[4]

In 2023, CIVICUS had documented **521** violations of freedom of association, representing 27.4% of the total civic space violations recorded.

The number of documented violations of freedom of association rose by approximately **25%** from 2023 to 2024 and by more than **50%** in 2025, with the sharpest year-on-year increase recorded in the most recent reporting cycle. The harassment of civil society activists was already the single most prevalent tactic of repression in 2022, present in 106 countries (up from 65 in 2018). This long-term trajectory shows that the intensification reflected in the 2024 and 2025 figures is the continuation of a pattern of restrictions on association rights that has steadily widened in scale, geographic reach, and methods of repression over the past several reporting cycles.

### 1. Restrictive laws for the first time among top 10 violations of civic freedoms

In 2025, the CIVICUS Monitor widely documented the adoption or proposal of restrictive laws and regulations affecting civic freedoms in at least **66** countries, making for the first time since the inception of the CIVICUS's Monitor restrictive laws the ninth most prevalent global civic space violation.[5] The adoption and proposal of restrictive laws worldwide is described as an "ongoing multi-year trend".

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[4] CIVICUS Monitor, *People Power Under Attack 2024*, pp. 9 and 17-18, available at https://civicusmonitor.contentfiles.net/media/documents/GlobalFindings2024.EN.pdf

[5] CIVICUS Monitor, *People Power Under Attack 2025*, p. 21, available at https://civicusmonitor.contentfiles.net/media/documents/GlobalFindings2025.EN.pdf

Over the past years, governments have continued to introduce new restrictive laws across all regions and across every category of civic space rating, undermining freedom of association. The CIVICUS Monitor tracks both adopted and proposed restrictive laws, as proposed laws can influence civic space and require significant civil society effort to oppose them. A variety of laws, policies and measures were adopted or introduced in 2025, while many restrictive laws passed in previous years remain in force and continue to shape civic space.

This trajectory is also reflected in the analysis of the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, who observed in her July 2025 report to the General Assembly that "across all regions, Governments are resorting to more intrusive and aggressive tactics to deliberately prevent and deter people from exercising their freedoms, especially when they are challenging or voicing disagreement with government policies, demanding accountability, revealing corruption and defending rights and freedoms."[6]

Evidence drawn from CIVICUS's flagship resources shows that no region is unaffected. More than 5.8 billion people (around 73%) restrict or entirely suppress civil society.[7] This figure stood at 72.4% in 2024 and was roughly 1.5 percentage points lower in 2023,[8] indicating a steady deterioration of civic space conditions year on year.

In sub-Saharan Africa, governments recently adopted or expanded restrictive measures affecting civil society organisations (CSOs) registration, supervision and dissolution in countries including Burkina Faso, Ethiopia, Sierra Leone, Zambia and Zimbabwe.[9] In Asia and the Pacific, India further tightened foreign-funding restrictions, while Nepal, Pakistan, Thailand and Vietnam adopted or proposed new measures affecting the operation of CSOs and online expression.[10] In Europe and Central Asia, foreign agents-

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[6] UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Gina Romero, *Freedom of assembly and association rights, collective action and human solidarity facing an existential threat*, A/80/219, 22 July 2025, para. 34, available at https://www.ohchr.org/en/documents/thematic-reports/a80219-report-special-rapporteur-rights-freedom-peaceful-assembly-and

[7] CIVICUS Monitor, *People Power Under Attack 2025: Global Findings*, available at: https://monitor.civicus.org/globalfindings_2025/

[8] CIVICUS Monitor, *People Power Under Attack 2024*, Global Findings, p. 6, available at https://monitor.civicus.org/globalfindings_2024/

[9] CIVICUS Monitor, *People Power Under Attack 2025*, "Africa regional overview", available at https://monitor.civicus.org/globalfindings_2025/africa ; CIVICUS Monitor, *People Power Under Attack 2025*, "Regional findings" and "Global trends", available at https://monitor.civicus.org/globalfindings_2025/

[10] CIVICUS Monitor, *People Power Under Attack 2025*, "Asia-Pacific regional overview", available at https://monitor.civicus.org/globalfindings_2025/asiapacific ; CIVICUS Monitor, *People Power Under Attack 2025*, "Regional findings" and "Global trends", available at https://monitor.civicus.org/globalfindings_2025/

style laws were adopted or threatened in Bosnia and Herzegovina (Republika Srpska), Georgia, Hungary, Kazakhstan and Slovakia, alongside counter-extremism amendments in Belarus and Russia.[11]

CIVICUS's dedicated Foreign Agents Laws Report notes that this proliferation has accelerated significantly since 2020, with the Russian 2012 statute serving as the regional template. In the Americas, restrictive measures targeting CSO operations, funding and dissolution were introduced in Ecuador, El Salvador, Nicaragua, Paraguay, Peru and Venezuela, while the United States was downgraded from narrowed to obstructed. In the Middle East and North Africa, authorities across the region continued to enforce and expand long-standing restrictions on independent associational life, including through foreign agents-style proposals advanced in Israel in 2025. Crucially, France, Germany and Italy were also downgraded in 2025, confirming that the contraction of freedom of association now cuts across every region and every category of civic space rating.[12]

## 2. Foreign agent, foreign funding & foreign influence laws

Foreign agents laws have proliferated globally over the past few years. These laws typically require organisations that receive foreign funding to register and label themselves as "foreign agents". Alongside administrative burdens, foreign agents laws hinder fundraising and usually impose punitive taxes on foreign grants, and they also stigmatise organisations. Closely related are foreign funding laws, which restrict or condition civil society's access to international funding without necessarily deploying the "foreign agent" label but with similarly restrictive effects.

The UN Special Rapporteur on the rights to freedom of peaceful assembly and of association identifies the growing weaponisation of "foreign agent" and "foreign influence" laws as a defining feature of the current attack on freedom of association, warning that such laws "even if not passed, adopted or enforced" have "posed a fundamental threat to civil society, silencing and dismantling it, due to the stigmatizing

[11] CIVICUS Monitor, *People Power Under Attack 2025*, "Europe and Central Asia regional overview", available at https://monitor.civicus.org/globalfindings_2025/europeandcentralasia/ ; CIVICUS, *Cutting Civil Society's Lifeline: The Global Spread of Foreign Agents Laws, 2025*, "Europe and Central Asia" section, available at https://publications.civicus.org/publications/foreign-agents-laws-report/ ; CIVICUS Monitor, *People Power Under Attack 2025*, "Regional findings" and "Global trends", available at https://monitor.civicus.org/globalfindings_2025/

[12] CIVICUS Monitor, *People Power Under Attack 2025*, p. 8, available at https://civicusmonitor.contentfiles.net/media/documents/GlobalFindings2025.EN.pdf

label of 'foreign agent' [...] and because of the heavy sanctions, criminalization and dissolution imposed for non-compliance."[13]

A set of common features make these laws structurally hostile to the freedom of association. They employ broad and ambiguous definitions of "foreign influence" and "political activity", which grant governments wide discretion to target organisations they consider undesirable. They deploy purposefully pejorative "foreign agents" terminology that carries connotations of espionage, designed to discredit and isolate the organisations concerned. They create systematic operational barriers through complex registration processes, demanding reporting requirements, and frequent audits that force smaller organisations to close. Additionally, they threaten harsh penalties, including heavy fines, license revocations and imprisonment, that generate a chilling effect and lead to self-censorship or organisational dissolution well beyond the number of organisations formally designated under the laws.

The proliferation of these laws is neither recent nor accidental. Early precedents were adopted in Ethiopia and Zimbabwe between 2004 and 2009, before Russia's 2012 statute set a template widely replicated across regions.[14] A first wave of "Russian-style" legislation was adopted between 2014 and 2018,[15] followed by expansion into Asia and the Americas from 2020 onwards,[16] a period during which the pace of adoption accelerated significantly in part because governments assumed additional powers during the COVID-19 pandemic and were reluctant to relinquish them.

Between 2022 and 2024, foreign agents-style laws expanded further across Central Asia and the Caucasus,[17] and by 2024-2025 the phenomenon had become truly global, with

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[13] UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Gina Romero, *Freedom of assembly and association rights, collective action and human solidarity facing an existential threat*, A/80/219, 22 July 2025, para. 36, available at https://www.ohchr.org/en/documents/thematic-reports/a80219-report-special-rapporteur-rights-freedom-peaceful-assembly-and

[14] CIVICUS, *Cutting civil society's lifeline: The global spread of foreign agents laws (2024–2025)*, available at https://publications.civicus.org/publications/foreign-agents-laws-report/2024-2025-foreign-agents-laws-go-global/

[15] CIVICUS, *Cutting civil society's lifeline: The global spread of foreign agents laws (2024–2025)*, "2014–2018 Russia's copycats", available at https://publications.civicus.org/publications/foreign-agents-laws-report/2024-2025-foreign-agents-laws-go-global/

[16] CIVICUS, *Cutting civil society's lifeline: The global spread of foreign agents laws (2024–2025)*, "2020–2022 Asia and the Americas", available at https://publications.civicus.org/publications/foreign-agents-laws-report/2024-2025-foreign-agents-laws-go-global/

[17] CIVICUS, *Cutting civil society's lifeline: The global spread of foreign agents laws (2024–2025)*, "Expansion in Central Asia and the Caucasus (2022–2024)", available at

dozens of countries now having some form of foreign agents legislation on the books or under consideration.[18] Several States have introduced or threatened to introduce foreign agent measures in 2025, including Bosnia and Herzegovina, the Central African Republic, Ecuador, El Salvador, Georgia, Hungary, Israel, Paraguay and Slovakia.[19] In El Salvador, for instance, the impacts of the adoption of such laws were immediately visible as established human rights organisations and journalists' associations closed or were forced to move operations abroad.[20]

Russia, which pioneered the contemporary model of foreign agents legislation, further expanded its law this year, creating a blueprint with chilling effects on civil society actors and the right to freedom of association across Central Asia. By utilising stigmatis labels, aggressive audits, and heavy fines, the legal framework pressures independent entities to either self-censor or dissolve.[21]

In Kyrgyzstan, the "foreign representatives" law adopted in March 2024 caused widespread anxiety among CSOs, with several organisations initiating self-liquidation procedures rather than register under the stigmatising label.[22] The same dynamic is unfolding in Kazakhstan, where officials, including the president and members of parliament, renewed attacks on CSOs in 2025, accusing them of using foreign funding to promote "alien values", while a pro-government party formally called for the introduction

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https://publications.civicus.org/publications/foreign-agents-laws-report/2024-2025-foreign-agents-laws-go-global/

[18] CIVICUS, *Cutting civil society's lifeline: The global spread of foreign agents laws (2024–2025)*, "Global spread and escalation (2024–2025)", available at https://publications.civicus.org/publications/foreign-agents-laws-report/2024-2025-foreign-agents-laws-go-global/

[19] CIVICUS, *Cutting civil society's lifeline: The global spread of foreign agents laws (2024–2025)*, "New and proposed foreign agents laws in 2025", available at https://publications.civicus.org/publications/foreign-agents-laws-report/2024-2025-foreign-agents-laws-go-global/

[20] CIVICUS, *Cutting civil society's lifeline: The global spread of foreign agents laws (2024–2025)*, "El Salvador case study", available at https://publications.civicus.org/publications/foreign-agents-laws-report/2024-2025-foreign-agents-laws-go-global/

[21] CIVICUS, *Cutting civil society's lifeline: The global spread of foreign agents laws (2024–2025)*, available at https://publications.civicus.org/publications/foreign-agents-laws-report/2024-2025-foreign-agents-laws-go-global/, sections: "Russia: origin of the foreign agents model"; "Expansion and global diffusion of foreign agents laws"; "Key features and impacts of foreign agents laws"; "Russia and regional spillover into Central Asia"

[22] CIVICUS Monitor, *"Civic space deteriorates further as foreign agent-style NGO law is adopted and media crackdown widens (Kyrgyzstan)"*, available at https://monitor.civicus.org/explore/civic-space-deteriorates-further-as-foreign-agent-style-ngo-law-is-adopted-and-media-crackdown-widens/

of a foreign agents law, citing the Trump administration's overhaul of US foreign assistance as justification.[23]

In India, successive amendments to the Foreign Contribution Regulation Act (FCRA) have been used to suspend or cancel the licences of thousands of CSOs, including Amnesty International India, effectively shutting down organisations critical of the government by cutting off their access to foreign funding.[24]

These examples confirm both the acceleration of the trend and underline that without coordinated international pushback, foreign agents and foreign funding laws risk becoming a normalised feature of the global legal landscape on civil society, with lasting consequences for the exercise of the right to freedom of association.

## 3. Illustrative case studies

Concrete cases documented by CIVICUS across regions illustrate the range and depth of the chilling effects produced by the wave of restrictive legislation on freedom of association and foreign agents laws.

**El Salvador (the Americas).** In El Salvador, the adoption of a Foreign Agents Law in 2025 produced immediate consequences: established human rights organisations and journalists' associations closed or were forced to relocate their operations abroad within weeks of the law's entry into force.[25]

**Hungary (Europe).** Hungary's 2017 Law on the Transparency of Organisations Receiving Foreign Support required civil society organisations receiving over EUR 24,000 in annual foreign funding to register with the authorities and publicly label themselves as "organisations receiving support from abroad," triggering a stigmatising climate around the affected CSOs and an increased regulatory and reputational burden on the sector. In 2020, Hungary was compelled to repeal this law following a ruling by the Court of Justice of the European Union that found it incompatible with EU law and with the right to

[23] CIVICUS Monitor, Global Findings 2025, available at https://monitor.civicus.org/globalfindings_2025/

[24] CIVICUS, *India: Submission to the UN Human Rights Committee on the deterioration of civic space*, July 2024; CIVICUS Monitor, *People Power Under Attack 2025*, Asia-Pacific regional chapter

[25] CIVICUS Monitor, *People Power Under Attack 2025*, Americas regional chapter (El Salvador country update); CIVICUS, *Cutting civil society's lifeline: The global spread of foreign agents laws*, October 2025, section on El Salvador, available at https://publications.civicus.org/publications/foreign-agents-laws-report/

freedom of association. Hungary has since introduced further restrictions through other legal instruments.[26]

**Israel (MENA).** In 2025, the Israeli Knesset advanced a series of bills that would severely restrict civil society and human rights work including a NGO Taxation Bill imposing an 80% tax on foreign state funding for CSOs and legislation criminalising cooperation with the International Criminal Court. Sustained civil society advocacy, domestically and internationally, has so far succeeded in delaying adoption.[27]

**Kyrgyzstan (Central Asia).** Following the adoption of Kyrgyzstan's "foreign representatives" law in March 2024, several organisations initiated self-liquidation procedures in advance of implementation, rather than register under a stigmatising label and face arbitrary state scrutiny.[28]

**Zimbabwe (sub-Saharan Africa).** In Zimbabwe, the long-contested Private Voluntary Organisations Amendment Bill, which expands ministerial control over CSO registration, supervision and dissolution, was enacted in 2025 after years of civil society mobilisation against successive drafts.[29]

# Recommendations for core elements of a General Comment on the right to freedom of association

- **Rights holders: a focus on excluded groups**

An effective General Comment No. 38 *must ensure* that its interpretation of Article 22 reflects the realities faced by all rights holders, including those most at risk of exclusion.

A wide range of individuals and communities across regions experience heightened restrictions when exercising their right to freedom of association. These barriers often arise from systemic discrimination, social exclusion, or legal and practical obstacles that

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[26] CIVICUS, *Cutting civil society's lifeline: The global spread of foreign agents laws*, October 2025, section on Hungary, available at https://publications.civicus.org/publications/foreign-agents-laws-report/; CIVICUS Monitor, Hungary country page

[27] CIVICUS Monitor, *Israel downgraded by CIVICUS Monitor*, People Power Under Attack 2025 press release

[28] CIVICUS Monitor, *"Civic space deteriorates further as foreign agent-style NGO law is adopted and media crackdown widens (Kyrgyzstan)"*, available at https://monitor.civicus.org/explore/civic-space-deteriorates-further-as-foreign-agent-style-ngo-law-is-adopted-and-media-crackdown-widens/

[29] CIVICUS Monitor, *People Power Under Attack 2025*, sub-Saharan Africa regional chapter (Zimbabwe country update); CIVICUS Monitor, *Zimbabwe country page*

disproportionately affect certain groups more than others. These include those systemically marginalised from decision-making, resources, and social participation.[30]

Consequently, the right to freedom of association is not experienced equally, at the global, regional and national level, and special attention is needed to ensure that all individuals can exercise this fundamental right without discrimination or undue and/or excessive restrictions. Among excluded groups most at risk are:

- Women and girls, particularly those working on sensitive human rights issues including reproductive rights
- Gender-diverse persons and LGBTIQ+ communities and individuals
- Young people and children
- Human rights defenders, including environmental, land and climate defenders and those living in rural or remote areas
- Dissidents and political opposition members
- Ethnic, religious and racial minorities
- People with HIV/ AIDS
- People with disabilities
- Grassroots movements and actors
- People living under circumstances of social exclusion including poverty
- People with limited access to digital technologies
- Indigenous Peoples
- Migrants, refugees and displaced persons

In all contexts where these groups are attacked, the civil society that defends the rights of these groups, including the right to freedom of association, is also attacked.

CIVICUS urges the General Comment to consider the differential impact of violations of the right to freedom of association on excluded groups. We urge the Committee to further address challenges facing excluded groups and individuals belonging to these groups, i.e. those most affected by the dual challenges of civic space restrictions and systemic discrimination. Furthermore, we urge the General Comment to focus on how intersecting identities—gender, age, citizenship status, and other identities— compound discrimination patterns, and to identify structural barriers preventing equal and unimpeded access to freedom of association and limiting individuals' and groups' ability to organize and mobilize based on their identities.

[30] CIVICUS, *Against the Wave: Civil society responses to anti-rights groups*, 2019, available at https://www.civicus.org/documents/reports-and-publications/action-against-the-anti-rights-wave/AgainstTheWave_Full_en.pdf

- **Application: re-affirming a universal right for citizens and non-citizens**

The right to freedom of association is a universal right. As such, the General Comment *must* affirm that freedom of association applies to all persons regardless of status, in a similar manner to General Comment No. 37's recognition that "*Everyone has the right of peaceful assembly: citizens and non-citizens alike. It may be exercised by, for example, foreign nationals, migrants (documented or undocumented), asylum seekers, refugees and stateless persons*."

The Comment should also state that the right extends to foreign nationals and foreign associations, as well as detained individuals, including arbitrarily imprisoned human rights defenders and activists.[31]

CIVICUS urges the General Comment to explicitly include non-citizens, foreign nationals, and stateless persons in the list, drawing on the example of General Comment No. 37. The General Comment should stress that, to comply with international standards, legislation should not set any specific limitations on individuals and specific groups, including children, youth, foreign nationals, and (arbitrarily and non-arbitrarily) imprisoned individuals.

- **The right to freedom association: towards a comprehensive definition**

The General Comment *must define* the terms "association" to encompass various and intersecting phenomena related to associational life. These may include but are not limited to:

- Formally registered organisations
- Informal associations
- Associations operating in situations of armed conflict, foreign occupation and/or humanitarian assistance
- Grassroots movements combining smaller, localised movements into a larger network to magnify collective action
- Digital associations
- Spontaneous social movements that form around specific and time-bound issues
- Environmental, climate and land associations
- Political parties
- Trade unions

[31] See CIVICUS, Stand as My Witness campaign, available at https://www.civicus.org/index.php/engage-and-act/campaign-with-us/stand-as-my-witness

CIVICUS urges the General Comment to explicitly reference the above-listed categories, ensuring that its interpretation of "association" covers the full spectrum of associational life, from formally registered organisations to informal associations, grassroots movements, digital networks, and spontaneous social movements. The General Comment should also stress that the right to freedom of association equally protects associations that are *not* registered, as well as associations operating in situations of armed conflict and humanitarian assistance.

## Key Recommendations for key provisions of a General Comment on the right to freedom of association

Freedom of association is a cornerstone of international human rights law, enshrined in Article 22 of the ICCPR and closely linked to other fundamental rights, including freedom of peaceful assembly (Article 21) and freedom of expression (Article 19). The General Comment *should* emphasise that this right is interdependent, and that any restrictions must meet standards of legality, necessity, and proportionality, and be consistent with the object and purpose of the Covenant.[32]

The General Comment *should* stress both the *positive* dimension (the right to form or to join an association) and the *negative* dimension (the right to leave and to refuse to join an association) of the right to freedom of association.

Similarly, the General Comment *should* also emphasise that States have both *positive* and *negative* obligations to respect, protect, promote and fulfill the right to freedom of association, including proactive measures to ensure that excluded groups and non-citizens can exercise it effectively. The General Comment should reaffirm that these obligations are legally binding and informed by international human rights systems and regional law, as well as robust guidance from UN treaty bodies and Special Rapporteurs.

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[32] *Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights*, adopted by the American Association for the International Commission of Jurists, April 1984, E/CN.4/1985/4, Annex, available at https://www.icj.org/siracusa-principles-on-the-limitation-and-derogation-provisions-in-the-international-covenant-on-civil-and-political-rights/ ; UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Voule, *States of emergency in response to the COVID-19 pandemic and the rights to freedom of peaceful assembly and of association*, A/HRC/44/50, 2020, available at https://digitallibrary.un.org/record/3870914/files/A_HRC_44_50-EN.pdf

We urge the General Comment to address the positive and negative dimensions of the right to freedom of association, as well as positive and negative obligations incumbent upon States.

## 1. Burdensome requirements for registration processes

While registration or notification requirements for those associations that wish to have legal capacities may be put in place, oftentimes these requirements are unnecessarily burdensome to the extent that they *de facto* restrict the exercise of the right to freedom of association.

States that have adopted laws, regulations or policies restricting the right to freedom of association often impose restrictive conditions and excessive requirements for registration, which can also be used to arbitrarily deny or cancel registration of associations that work on sensitive issues or not in favour of the government.

Across regions, governments impose a wide range of restrictive conditions on the registration of associations. Conditions and requirements may include security clearance or approval from relevant authorities; additional requirements for the registration of associations receiving foreign funding and international/foreign associations; and other excessive requirements and complex procedures for registration.

In Ecuador, the Organic Law on Social Transparency enacted in August 2025 requires all CSOs and foundations to register in a centralised government information system within 180 days, disclosing detailed information about their activities, funding sources and organisational structures, and subjecting them to risk-based audits, with CIVICUS documenting that the law's ambiguous provisions could restrict independent civil society action.[33] In Thailand, a draft Act on Associations and Foundations mandates compulsory registration for all CSOs, imposes strict reporting requirements and severe penalties for non-compliance, allows unannounced government inspections, and grants the authorities broad powers to dissolve CSOs on vague grounds of "public morality" or "public order."[34] In Burkina Faso, a new law adopted in July 2025 reinforces monitoring

[33] CIVICUS Lens, *'We fear the Transparency Law will be used to persecute organisations that challenge those in power'*, interview, September 2025, available at https://lens.civicus.org/interview/we-fear-the-transparency-law-will-be-used-to-persecute-organisations-that-challenge-those-in-power/; CIVICUS, *Cutting civil society's lifeline: The global spread of foreign agents laws*, October 2025, "2024-2025 Foreign agents laws go global" section (Ecuador), available at https://publications.civicus.org/publications/foreign-agents-laws-report/2024-2025-foreign-agents-laws-go-global/

[34] CIVICUS Lens, *'The NGO bill would give the government sweeping powers over civil society organisations'*, interview, December 2024, available at https://lens.civicus.org/interview/the-ngo-bill-would-give-the-government-sweeping-powers-over-civil-society-organisations/

and control mechanisms over CSOs and requires all organisations to open and maintain accounts exclusively with a state-run bank.[35]

The CIVICUS Monitor has consistently documented how States use registration as a gatekeeping mechanism: through prohibitively complex procedures, vague grounds for refusal such as "contrary to the national interest" or "undesirable" purposes, and the threat of criminal penalties for operating without registration.[36] When combined with the foreign agents-style registration obligations in which organisations receiving any foreign funding must register in separate government-controlled registries and comply with additional disclosure, labelling and reporting requirements, registration ceases to be an administrative formality and becomes a tool of State control over associational life.

We urge the General Comment to address laws, regulations, policies and measures that *de jure* or *de facto* restrict possibilities of registration, particularly for smaller associations. The General Comment should clearly stress that the "notification procedure", rather than a "prior authorization procedure" (requiring the approval of the authorities to establish an association as a legal entity) complies with international human rights law. The national procedure to establish an association should be simple, non-onerous, and expeditious (e.g. possibility of filling registration applications online). The General Comment should stress that the same standards should be applied with respect to the formation of foreign associations.

## 2. Restrictions to autonomy, burdensome reporting requirements, and protection against dissolution

Associations have the right to freely determine their own objectives and administrative activities and select/elect their leadership. Conditions and requirements for associations to operate often include adherence to national or political ideology and public interest.

Across regions, governments increasingly interfere in the internal governance and day-to-day functioning of associations through laws and administrative measures that undermine their autonomy. Organisations are required in some contexts to align their activities with broadly defined notions of the "national interest", "traditional values" or "public interest", obtain prior approval for projects or partnerships, or comply with

[35] CIVICUS Monitor, *People Power Under Attack 2025*, sub-Saharan Africa regional chapter (Burkina Faso country update), available at https://monitor.civicus.org/globalfindings_2025/

[36] CIVICUS Monitor, *Rights Reversed 2019-2023*, available at https://monitor.civicus.org/rights-reversed-2019-to-2023/; see also CIVICUS, *UPR submission on Singapore*, October 2025 (documenting how the Registrar of Societies can deny registration on grounds including that a CSO's mandate is "contrary to the national interest" or "undesirable"), available at https://civicus.org/documents/upr-submissions/UPR52-Singapore-CIVICUS-Joint-UPR-Submission.pdf

intrusive reporting, transparency and disclosure obligations that enable excessive State oversight. CIVICUS has documented a growing use of such measures, often justified in the name of transparency, national security or accountability, but applied in practice to monitor, intimidate and constrain independent civil society. These requirements create burdens that are frequently disproportionate to any legitimate regulatory objective and can pave the way for suspension or dissolution where organisations are deemed not to comply.

In Burkina Faso, a 2025 law on freedom of association introduced stringent reporting and administrative compliance requirements, expanded government oversight of CSOs and provided for sanctions, including dissolution, for non-compliance, despite being justified as a transparency and anti-money laundering measure.[37] Similarly, in Ukraine, proposed legislation would have required CSOs to disclose detailed information on their donors, expenditures and employee salaries to the tax authorities, with non-compliance exposing organisations to significant financial penalties and loss of their non-profit status.[38] Such measures go beyond legitimate financial accountability and risk undermining the operational autonomy of associations.

We urge the General Comment to address the usage of restrictive laws and policies such as Control, Regularisation, Performance and Financing of CSOs Laws as tools to arbitrarily restrict, suspend and/or close CSOs. The General Comment should also address regulations imposing excessive and burdensome reporting requirements on registered associations, including monitoring and evaluation reports, operational and financial reports, and excessive auditing and inspection requirements that amplify the risk of de-registration, suspension or closure when failing to fulfil those requirements. Sanctions for non-compliance with reporting requirements should always be proportionate. Additionally, the Committee should underscore that the dissolution of associations should always be a measure of last resort and be ordered by a competent judicial authority.

### 3. Misuse of national security, counter-terrorism and public order rationales to restrict freedom of association

Governments frequently misuse vague concepts like "national security," "counter-terrorism" or "public order", as well as money-laundering rationales to disproportionately

[37] CIVICUS Monitor, *Hundreds of CSOs dissolved or suspended; journalists and NGOs continue to face restrictions*(Burkina Faso), available at https://monitor.civicus.org/explore/hundreds-of-csos-dissolved-or-suspended-journalists-and-ngos-continue-to-face-restrictions/

[38] CIVICUS Monitor, *Civil society speaks out against new draft bills targeting NGOs* (Ukraine), available at https://monitor.civicus.org/explore/civil-society-speaks-out-against-new-draft-bills-targeting-ngos/

deny the rights of human rights advocates working on sensitive issues. Oftentimes, in countries rated as repressed or closed by the CIVICUS Monitor, these restrictions must be interpreted as illegitimate and unlawful attempts to suppress the voices of human rights defenders, victims, and excluded groups.

Domestic conceptions of "public order" or "national security" cannot justify non-compliance with international human rights treaty obligations. Dozens of States are using anti-terrorism legislation to criminalise individuals exercising their human rights and fundamental freedoms, including freedom of association, labelling them as "terrorists", with legislation anti-granting law enforcement or security agencies excessive policing power including surveillance without adequate judicial oversight.

This global overuse of counter-terrorism and national security frameworks was explicitly denounced in the September 2025 Joint Declaration of the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, the African Commission on Human and Peoples' Rights, the Inter-American Commission on Human Rights and the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe, which warned specifically against the "growing overuse and misuse of broad and expansive laws and policies on countering terrorism, violent extremism, corruption, money laundering, terrorism financing" that are being used "to deliberately or indiscriminately criminalise and severely punish civil society, human rights defenders, peaceful protests and solidarity activists."[39]

The pattern is documented across all regions: in India, the Unlawful Activities (Prevention) Act has been repeatedly deployed against student activists and human rights defenders; in Vietnam, more than 100 activists remain imprisoned on charges of "conducting propaganda against the state" or "abusing democratic freedoms"; in the Philippines, human rights defenders continue to face fabricated terrorism-financing cases; and in Myanmar, the junta has used counter-terrorism, incitement and sedition charges to imprison thousands of activists.[40] The pattern also extends to countries with previously stronger civic space protections: in Cyprus, Greece, Italy, Latvia, Lithuania and

[39] Joint Declaration of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the African Commission on Human and Peoples' Rights, the Inter-American Commission on Human Rights and the OSCE/ODIHR, *Protecting the rights to freedom of peaceful assembly and of association from criminalization amid intensified existential threats*, 17 September 2025, available at https://achpr.au.int/en/news/press-releases/2025-10-29/joint-declaration-protecting-rights-freedom-peaceful-assembly

[40] CIVICUS Monitor, *People Power Under Attack 2025*, Global Findings and Regional Overviews, available at https://monitor.civicus.org/globalfindings_2025/ ; CIVICUS Monitor country updates (India, Vietnam, Philippines, Myanmar), available at https://monitor.civicus.org/

Poland, CSOs and activists providing aid to migrants and refugees have been targeted under anti-money-laundering and counter-terrorism provisions.[41]

The recurrent imposition of States of emergency has also been largely used to restricted freedoms of association, movement and peaceful assembly, disproportionately affecting excluded groups, such as Afro-descendants and Indigenous communities.[42]

We urge the General Comment to reiterate that laws and regulations related to national security and anti-terrorism cannot be used to criminalise and to persecute civil society actors and their associations, including through funding cuts, freezing of assets, and closure of bank accounts. Anti-terrorism laws, regulations and practices should not allow usage of excessive surveillance and infiltration into associational activities.

## 4. Transnational repression and associations

Transnational repression, whereby governments suppress dissent among their nationals and diaspora communities beyond their borders through tactics including illegal abduction, intimidation, surveillance, digital harassment, and administrative obstruction, is increasingly used as a tool to repress associations.[43] These tactics pose a direct threat to the right to freedom of association: they prevent diaspora communities and exiled activists from forming or joining associations, attending meetings, engaging in collective advocacy, or maintaining contact with civil society organisations in their home countries. When States demonstrate the ability to reach their critics across borders, the chilling effect spreads throughout entire communities, discouraging associational life as a whole and fragmenting the solidarity networks on which civil society depends.[44]

The phenomenon has received growing international attention. In June 2024, the UN Special Rapporteur on freedom of opinion and expression presented a landmark report

[41] CIVICUS Monitor, *People Power Under Attack 2025*, Europe and Central Asia Regional Overview, available at https://monitor.civicus.org/globalfindings_2025/europeandcentralasia/ (accessed 6 July 2026) ; CIVICUS Monitor country updates (Cyprus, Greece, Italy, Latvia, Lithuania, Poland), available at https://monitor.civicus.org/ ; CIVICUS Monitor, *Rights Reversed 2019–2023*, section on criminalisation of solidarity actions in EU countries, available at https://monitor.civicus.org/rights-reversed-2019-to-2023/

[42] Examples: CIVICUS Monitor, *El Salvador added to CIVICUS Monitor Watchlist*, July 2025; CIVICUS Monitor, *People Power Under Attack 2025*, Americas regional chapter, on Ecuador, available at https://monitor.civicus.org/globalfindings_2025/americas/

[43] CIVICUS Monitor, *People Power Under Attack 2025*, Tactics of Repression, available at https://monitor.civicus.org/globalfindings_2025/tacticsofrepression/

[44] CIVICUS, *2025 State of Civil Society Report*, "Democracy: an enduring aspiration" section, available at https://publications.civicus.org/publications/2025-state-of-civil-society-report/

documenting the alarming rise of transnational repression targeting journalists in exile.[45] The latest UN Human Rights Council's resolution on civil society space addresses the phenomenon of transnational repression in the context of shrinking civic space,[46] while the Council's 2026 resolution on freedom of opinion and expression, adopted in July 2026, further condemns transnational repression—where state actors target journalists, activists, and dissidents beyond their borders—and its chilling effects, requesting a comprehensive study addressing transnational threats to freedom of expression. [47] A growing recognition of this growing trend builds on the first dedicated Civic Space Brief on Transnational Repression prompting global action to develop norms and recommendations to better respond to the phenomenon and protect victims and potential targets.[48]

CIVICUS has documented an escalation of these practices across several regions. In Venezuela, authorities have systematically obstructed activists' and journalists' movement and targeted critics abroad in the wake of the 2024 election crisis.[49] In Nicaragua, transnational repression incidents against exiled Nicaraguans and their relatives have been documented, including killings, assaults, unlawful arrests, deportations and digital threats, with at least 452 people stripped of their nationality since 2023.[50] In Tajikistan, the government has pursued critical journalists and opposition members living abroad through international arrest warrants issued via Interpol, while a 2024 agreement with Russia on "international information security" raises fears that it could be used to justify the detention and extradition of individuals engaged in legitimate advocacy.[51] In Egypt, security agents monitor and harass activists in European cities while authorities arrest relatives at home, place activists on terrorism lists that freeze

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[45] UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Irene Khan, *Journalists in exile*, A/HRC/56/53, June 2024, available at https://www.ohchr.org/en/documents/thematic-reports/ahrc5653-journalists-exile-report-special-rapporteur-promotion-and

[46] Human Rights Council, resolution 59/10, *Civil society space*, A/HRC/RES/59/10, adopted without a vote on 8 July 2025, available at https://docs.un.org/en/A/hrc/RES/59/10

[47] Human Rights Council, A/HRC/62/67, adopted at the 62nd session, July 2026, https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session62/advance-versions/a-hrc-62-67-aev.pdf

[48] UN Special Rapporteur on the promotion and protection of the right to freedom of expression and opinion, "Transnational Repression," available at https://www.ohchr.org/en/documents/tools-and-resources/transnational-repression

[49] CIVICUS Monitor, *People Power Under Attack 2025*, Americas regional chapter, available at https://monitor.civicus.org/globalfindings_2025/americas/

[50] Ibid.

[51] CIVICUS Monitor, *Tajikistan's Crackdown on Dissent: Erosion of Rights and Civic Space*, February 2025

their finances and flag them at borders, and sentence them in absentia.[52] In Kenya, two activists were abducted in Uganda and held incommunicado for over a month after attending a political mobilisation event, in what civil society groups described as a direct violation of the freedom of association.[53]

We urge the General Comment to address transnational repression of associations, as a tool of repression of associations' activities across borders to silence, coerce, or harass associations or members of associations including dissidents, journalists, and human rights defenders living in exile.

## 5. Protection of associations during emergencies and situations of armed conflict or foreign occupation

The existence of a state of emergency, armed conflict or foreign occupation does not relieve the obligations to protect the right to freedom of association.

The UN Special Rapporteur on the rights to freedom of peaceful assembly and of association has consistently warned that emergency and conflict frameworks are routinely misused as pretexts to suspend, restrict or dissolve associations. During the COVID-19 pandemic, at least 50 States adopted emergency measures unduly restricting freedom of association. Many of these measures long outlasted the health emergency that justified their adoption, and in a significant number of cases were consolidated into permanent restrictions on civic space.[54]

Similar patterns have been documented across armed conflicts in recent years. In Myanmar, Sudan and Gaza, CSOs have been dissolved, criminalised, and their members detained under emergency, counter-terrorism or foreign agents frameworks that treat independent civic activity as a national security threat.[55] In the Occupied Palestinian

[52] CIVICUS, *2025 State of Civil Society Report*, "Democracy: an enduring aspiration" section, available at https://publications.civicus.org/publications/2025-state-of-civil-society-report/

[53] CIVICUS Monitor, *Kenya: 2 years after brutal protests and 1 year ahead of elections*, 2025

[54] UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Voule, *States of emergency in response to the COVID-19 pandemic and the rights to freedom of peaceful assembly and of association*, A/HRC/44/50, 2020, available at https://digitallibrary.un.org/record/3870914/files/A_HRC_44_50-EN.pdf

[55] UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsossi Voule, *Protection of human rights in the context of peaceful protests during crisis situations*, A/HRC/50/42 (2022), available at https://digitallibrary.un.org/record/3976694/files/A_HRC_50_42-EN.pdf ; CIVICUS Monitor, *People Power Under Attack 2025*, Conflict and crisis contexts (Myanmar,

Territory, Israel has designated leading Palestinian human rights organisations as "terrorist organisations" under its counter-terrorism legislation and outlawed them through military orders issued under occupation-era emergency regulations, before raiding and sealing their offices.[56] The organisations targeted were precisely those documenting violations in the occupied territory, including for international accountability mechanisms, prompting the UN High Commissioner for Human Rights to call for the designations to be revoked and UN experts to describe them as a frontal attack on the Palestinian human rights movement.[57]

We urge the General Comment to address the misuse of state of emergency as a pretext to increase surveillance, securitize the agenda, and suppress the right to freedom of association. The General Comment should clearly outline and categorize various types of emergencies and the corresponding limitations that may be justified in each case, ensuring that emergency powers are not misuse to suppress legitimate associational activities and that any limitation is proportionate to the actual nature and scope of the emergency, not a blanket response applying to all crises and emergency situations. Furthermore, the General Comment should stress that the right to freedom of association fully applies in situations of armed conflict or foreign occupation.

## 6. Digital space for associations

Digital technologies are now integral to associational life. Associations increasingly rely on digital technologies including to recruit members, communicate internally, organise campaigns, mobilise supporters, deliver services and engage in advocacy. As civic participation increasingly takes place online, restrictions on digital space directly interfere with the effective exercise of the right to freedom of association and must therefore comply with the same requirements of legality, necessity and proportionality

Sudan, occupied Palestinian territory/Gaza), available at https://monitor.civicus.org/globalfindings_2025/

[56] CIVICUS Monitor, *Palestinian CSOs branded 'terrorist organisations' and surveilled by Pegasus spyware*, available at https://monitor.civicus.org/explore/palestinian-csos-branded-terrorist-organisations-and-surveilled-pegasus-spyware/; CIVICUS Monitor, *Israeli occupation forces raid, damage and seal offices of several CSOs*, available at https://monitor.civicus.org/explore/israeli-occupation-forces-raid-damage-and-seal-offices-several-csos-jerusalem-born-french-palestinian-lawyer-exiled-france/

[57] UN Meetings Coverage, *Committee on the Inalienable Rights of the Palestinian People*, 8 December 2021, available at https://press.un.org/en/2021/gapal1443.doc.htm; CIVICUS Monitor, *Israeli occupation forces raid, damage and seal offices of several CSOs* (UN experts' statement of 24 August 2022)

that govern restrictions offline:[58] the right to freedom of association must apply equally online and offline.

Yet, governments are increasingly exploiting digital technologies to strengthen repression and restrict civic space. Digital surveillance, the misuse of cybercrime legislation to justify arrests and prosecutions, disinformation and defamation campaigns, as well as Internet shutdowns and network disruptions, are increasingly used to impede communication, restrict access to information, disrupt collective action, and undermine the formation and operation of associations.

The imposition of blanket internet shutdowns and online harassment curtail associational rights, restrict the free flow of information, and obstruct the delivery of vital humanitarian aid when it is most needed. In 2024, governments imposed a record-breaking 304 internet shutdowns across 54 countries, the highest number ever recorded, with conflict as the leading trigger and four countries alone, India, Myanmar, Pakistan and Russia, accounting for over 70 per cent of the global total.[59] The record was broken again in 2025, with 313 shutdowns documented in 52 countries, seven of which experienced a shutdown for the first time, meaning that people in 100 countries have now been subjected to an internet shutdown since tracking began in 2016.[60]

Emerging artificial intelligence technologies risk further amplifying these risks by enabling more sophisticated forms of biometric surveillance, predictive profiling and automated content moderation, while facilitating targeted disinformation and harassment campaigns against civil society actors.[61]

These dynamics were recently documented by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, stressing that the pervasive presence of digital surveillance transforms "legitimate participation in associations, including civil society groups, or attendance at assemblies, into high-risk events, especially for marginalised populations".[62] The fear of online surveillance drives

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[58] CIVICUS, *2025 State of Civil Society Report*, "Technology: Human Perils of Digital Power", available at https://publications.civicus.org/publications/2025-state-of-civil-society-report/technology-human-perils-of-digital-power/

[59] Access Now, *Emboldened offenders, endangered communities: Internet shutdowns in 2024*, February 2025

[60] Access Now, *When repression meets resistance: Internet shutdowns in 2025*, March 2026

[61] CIVICUS, *2026 State of Civil Society Report*, "Technology: Innovation Without Accountability", available at https://publications.civicus.org/publications/2026-state-of-civil-society-report/technology-innovation-without-accountability/

[62] UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Gina Romero, *"Pushed into the Shadows": Evidencing digital surveillance chilling effects and the erosion of the rights to freedom of assembly and of association*,

associations to divert scarce resources away from their mission and toward digital security, further eroding their operational capacity.

Cybercrime, counter-terrorism and defamation frameworks, often applied selectively and framed ambiguously, are used to justify the surveillance, arrest and prosecution of activists, silencing dissent and dismantling associative life. State-imposed internet shutdowns, such as documented in Iran, Cuba, Tanzania and elsewhere in 2025-2026, systematically prevent CSOs from communicating with their members, mobilising supporters, and organising publicly, while online associations face targeted harassment, smear campaigns, and arrests based on their digital footprint.

These dynamics also drive a documented pattern of what the Special Rapporteur describes as "de-socialisation":[63] associations increasingly limit contact with each other, with international partners, and with donors, fragmenting solidarity networks and undermining the collective action on which civil society depends. When associations respond to surveillance pressure by "operating in less visible ways", the exercise of the right to freedom of association is not merely restricted but hollowed out from within. The chilling effects of digital surveillance therefore represent an existential threat to civil society's ability to organise, mobilise, and hold power to account.

We urge the General Comment to affirm that associations formed online have the same rights as regular/physical associations. The Comment should also stress that blanket internet shutdowns constitute a disproportionate restriction on the right to freedom of association, including in conflict zones. Additionally, we urge the General Comment to stress that digital technologies, and related laws and technical standards must not be used to restrict association rights, whether online or offline, and to consider the differential impact of technology on freedom of association, with particular reference to excluded groups.

## 7. Access to resources for associations

Governments across every region are passing hostile laws that limit, criminalise, or stigmatise the receipt of funding, especially from foreign sources, cutting off the money independent organisations rely on. Restrictive laws targeting funding take many forms. Foreign agents laws are one of the most concerning trends forcing organisations

April 2026, available at https://www.ohchr.org/en/documents/studies-and-research/pushed-shadows-evidencing-digital-surveillance-chilling-effects-and

[63] Ibid.

receiving foreign support to register and label themselves as agents of foreign influence, submit to onerous audits, and often pay punitive taxes.[64]

Beyond, several other mechanisms compound the effect such as prior authorisation requirements that give the State discretion over who can receive funding; forced transfers of foreign grants into State-controlled central mechanisms, which reroute international support through government hands; and criminal penalties for non-compliance, including heavy fines, license revocations, and imprisonment.[65] CIVICUS observes that the threat of harsh penalties creates a chilling effect that frequently leads to self-censorship and organisational dissolution.[66]

In the words of the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, today "international funding has increasingly become the only option and lifeline for independent civil society work on democracy, social and environmental justice, human rights and anti-corruption, as States have instrumentalised local funding to co-opt and control civil society."[67] Yet, civil society is experiencing an accelerating funding crisis where major state donor agencies have been cut back and reoriented toward defence, trade, and migration control, while governments have significantly reduced their international aid budgets (including those of Belgium, the Netherlands, the UK, and the EU).

The 2025 US freeze and dismantling of USAID, alongside the decision of G7 donors to reduce contributions by 28% in 2026 compared with 2024,[68] has removed the single

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[64] CIVICUS, *Cutting civil society's lifeline: The global spread of foreign agents laws (2024–2025)*, "Key features of foreign agents-style laws", available at https://publications.civicus.org/publications/foreign-agents-laws-report/2024-2025-foreign-agents-laws-go-global/

[65] UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsossi Voule, *Report on the exercise of the rights to freedom of peaceful assembly and of association in the context of the funding of associations*, A/HRC/50/42 (2022), available at https://digitallibrary.un.org/record/3976694/files/A_HRC_50_42-EN.pdf

[66] CIVICUS Monitor, *People Power Under Attack 2025*, "Global Findings – funding restrictions and shrinking civic space", available at https://monitor.civicus.org/globalfindings_2025/ ; CIVICUS, *Cutting civil society's lifeline: The global spread of foreign agents laws (2024–2025)*, "Key impacts and chilling effects", available at https://publications.civicus.org/publications/foreign-agents-laws-report/2024-2025-foreign-agents-laws-go-global/

[67] UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Gina Romero, *Funding of associations and collective action facing an existential threat: preserving civic space and human solidarity*, A/80/219 (2025), available at https://www.ohchr.org/en/documents/thematic-reports/a80219-report-special-rapporteur-rights-freedom-peaceful-assembly-and

[68] Ibid, paras. 40-41

largest source of independent civil society funding globally. The impact is unevenly distributed: change-seeking CSOs and organisations in the Global South, historically receiving only a fraction of global aid flows, are hit hardest. Many organisations now find themselves squeezed by restrictive laws at home and abandoned by international donors abroad, with access to little to no resources left to operate.

As consistently affirmed by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, "the ability to seek, secure and use resources is essential to the existence and effective operations of any association, no matter how small."[69] Since 2023, the mandate's General principles and guidelines on ensuring the right of civil society organisations to have access to resources have provided a clear roadmap for States and donors: create and maintain an enabling environment for civil society funding, and remove the legal, administrative and financial barriers that stand in the way. Despite the settled framework, restrictions on civil society's ability to access resources continue to intensify globally. States should presume the legality of CSOs receiving resources from all sources, refrain from requiring prior authorisation for foreign funding, and avoid any legislation that stigmatises CSOs, including through "foreign agents" or similar labels. Any restriction on funding must be provided by law, pursue a legitimate aim, and be strictly necessary and proportionate. Access to resources is inseparable from the exercise of the right to freedom of association.

As also stressed by the recent UN Human Rights Council resolution on civil society space, "foreign funding laws should be proportionate and that such laws and measures must be assessed in the light of their purpose, legal safeguards and consistency with States' international human rights obligations and not result in organisations being labelled and stigmatised or have a negative effect on civil society.[70]

We urge the General Comment to address restrictions on the right to seek, receive, and use resources from domestic, foreign and international sources, which are strictly related to the right of freedom of association and may be exercised by registered and unregistered associations without the need for prior approval. The General Comment should also stress that legal provisions regulating access to domestic and foreign funding should *not* put at risk the active operation of associations because of limitations in access to resources.

[69] UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, *Report on the ability of associations to access financial resources*, A/HRC/23/39, 24 April 2013, para. 8, available at https://freeassembly.net/wp-content/uploads/2013/04/A.HRC_.23.39_EN-funding-report-April-2013.pdf

[70] United Nations, Resolution adopted by the Human Rights Council on 7 July 2025 , available at https://docs.un.org/en/A/hrc/RES/59/10

## 8. Freedom of opinion and expression as a fundamental right for associations

The right to freedom of opinion and expression is not merely adjacent to the right to freedom of association: it is a precondition for its meaningful exercise. When expression is restricted, organisations that cannot speak, publish, communicate with their members or engage in public debate lose the ability to carry out their work. Governments that target associations almost invariably restrict expression first. Suppression of expression and suppression of association are not parallel processes: they are parts of a broader strategy to eliminate independent civic activity. The CIVICUS Monitor data consistently shows that restrictions on freedom of expression and restrictions on freedom of association operate together: in 2024, violations of freedom of expression accounted for 45% of all civic space violations documented globally, more than association and peaceful assembly combined.[71]

The pattern is visible across every region, including through cybercrime and defamation laws that criminalise online criticism, media laws that shut down independent outlets, internet shutdowns that sever organisations from their members, and smear campaigns that stigmatise civil society as "foreign agents" or "terrorists." In Central Asia, independent media outlets have been shut down and journalists sentenced to prison under vague provisions on "extremism" and "disseminating false information," while the same governments have simultaneously introduced foreign agents-style laws targeting CSOs.[72] In El Salvador, the Foreign Agents Law was adopted alongside a broader assault on press freedom, with dozens of journalists forced into exile in 2025 and criminal charges prepared against investigative reporters.[73] In India, counter-terrorism and sedition legislation has been used simultaneously to detain journalists and to restrict the foreign funding of human rights organisations under the Foreign Contribution Regulation Act.[74] In Kenya, expanded cybercrime legislation criminalising online criticism was

[71] CIVICUS Monitor, *People Power Under Attack 2024*, p. 9 (Global Summary, Total Violations by Civic Freedom), available at https://civicusmonitor.contentfiles.net/media/documents/GlobalFindings2024.EN.pdf
[72] CIVICUS Monitor, *People Power Under Attack 2025*, Europe and Central Asia regional chapter, available at https://monitor.civicus.org/globalfindings_2025/; see also IPHR/CIVICUS Monitor, *The Silencing of Critical Voices Deepens in Central Asia*, December 2025, available at https://iphronline.org/articles/civicus-monitor-the-silencing-of-critical-voices-deepens-in-central-asia/
[73] CIVICUS Monitor, *El Salvador added to CIVICUS Monitor Watchlist*, July 2025
[74] CIVICUS, *India: Submission to the UN Human Rights Committee on the deterioration of civic space*, July 2024

enacted alongside an escalating crackdown on CSOs and human rights defenders, including the targeting of staff of international civil society organisations.[75]

We urge the General Comment to stress that associations have the full right to freedom of expression and opinion through their objectives and activities, in addition to the individual right of the members of associations.

## 9. Elections and the right to freedom of peaceful assembly

As CIVICUS has documented, in countries where elections were held over the past couple of years, human rights violations and abuses including violations of protest rights have been coupled with attempts to undermine the right to freedom of association, discrediting and isolating civil associations through foreign influence legislation. In these contexts, restrictions on freedom of association and peaceful assembly rarely occur in isolation. They are accompanied or followed by direct attacks on the ability of civil society to organise, mobilise, and hold power to account.

Attempts to restrict civil society in electoral contexts have been documented across regions. For instance, in Georgia, a law mandating that CSOs receiving funding from abroad register as “foreign agents” was passed in 2024, five months before Georgia's parliamentary elections. In Tunisia, a proposed law would grant authorities broad discretion to refuse the establishment of an organisation seeking registration, whilst in India the stigmatising labelling of CSOs as ''antinational'' or ''terrorist'' has become commonplace. In Tanzania, the 2025 general election triggered the largest anti-government mobilisation since independence. Authorities responded with a nationwide curfew, an internet shutdown, and the killing of at least ten people according to the UN High Commissioner for Human Rights. In the weeks before the vote, opposition leaders had already been arrested, and civil society organisations working on electoral integrity faced sustained harassment.[76]

In Türkiye, mass protests followed the March 2025 detention of Istanbul mayor Ekrem İmamoğlu on vague charges. Authorities responded with protest bans and restrictions on entry into Istanbul. Nearly half of all CHP mayors elected in 2024 have since been arrested, alongside dozens of civil society figures who supported the movement.[77] In Serbia, sustained student- and civil-society-led protests ahead of anticipated elections

[75] CIVICUS Monitor, *Kenya: 2 years after brutal protests and 1 year ahead of elections*, 2025

[76] CIVICUS Monitor, *Tanzania’s post-election crackdown: widespread violence, arrests and suppression of civic freedoms*, available at https://monitor.civicus.org/explore/tanzanias-post-election-crackdown-widespread-violence-arrests-and-suppression-of-civic-freedoms/

[77] CIVICUS Monitor, *Watchlist July 2025 Turkey*, available at https://monitor.civicus.org/watchlist-july-2025/turkey/

were met with the raiding of five civil society organisations' offices in February 2025, with financial records seized and staff detained.[78]

Across these cases, the pattern is consistent. Restrictions on peaceful assembly are compounded by direct attacks on civil society organisations, from arrests of activists and opposition figures, to office raids and asset seizures, to legislative attempts to restrict foreign funding, criminalise dissent, or dissolve associations. The right to freedom of association is weakened as a key enabler of peaceful assembly and meaningful participation where restrictions to pre- and post-election protest rights have come under attack, with state authorities also impeding, deterring, punishing and cracking down on those organising and participating in peaceful election-related protests.

We urge the General Comment to stress that associations have the full right to freedom of peaceful assembly, in addition to the individual right of the members of associations. We also urge the Comment to address freedom of association conditions, regulations and practices arising from undue restrictions to the right to freedom of peaceful assembly, including during electoral cycles.

## 10. Right to freedom of association and democracy

Freedom of association, as a fundamental human right allowing individuals to form, join, and participate in groups to pursue shared interests, acts as a cornerstone of democratic governance by enabling individuals to collectively organise, advocate for policy changes, and hold authorities accountable.[79]

Freedom of association is under growing pressure from a global crisis of democracy and a systematic narrowing of the space for civil society to operate, as measures to curtail civic space, including foreign agents laws, protest restrictions and transnational repression, continue to spread across regions, while the infrastructure of democratic defence has critically weakened.[80] CIVICUS's 2025 State of Civil Society report indicates that democracy is undergoing "significant regression" worldwide, amid rising disinformation, autocratic and military rule, restrictive laws, and foreign interference.[81]

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[78] CIVICUS Monitor, *Watchlist July 2025 Serbia*, available at https://monitor.civicus.org/watchlist-july-2025/serbia/

[79] Office of the UN High Commissioner for Human Rights (OHCHR), *Freedom of assembly and of association*, available at https://www.ohchr.org/en/topic/freedom-assembly-and-association

[80] CIVICUS, *2026 State of Civil Society Report*, "Democracy: an enduring aspiration" section, available at https://publications.civicus.org/publications/2026-state-of-civil-society-report/democracy-an-enduring-aspiration/

[81] CIVICUS, *State of Civil Society Report 2025* (2025), pages 3-4, https://www.civicus.org/documents/reports-and-publications/SOCS/2025/state-of-civil-society-report-2025_en.pdf

The crisis of democracy represents a major civic space crisis, as fundamental rights including freedom of association are more easily attacked everywhere when democratic freedoms erode worldwide.[82]

While courts have offered various rationales for the protection of freedom of association, including the protection of freedom of expression, relevant caselaw stresses the need to protect freedom of association for the sake of a vibrant pluralistic democracy. Regional jurisprudence shows that the rationale for protecting freedom of association is largely focused on the value that it offers to a healthy democracy. This body of jurisprudence has been developed most extensively by the European Court of Human Rights, whose caselaw has shaped much of the contemporary understanding of the scope and content of the right to freedom of association under international law.[83]

Earlier this year, the Inter-American Court of Human Rights held a public hearing on democracy and countries' legal obligations to protect it following a 2024 request from the government of Guatemala asking whether States are "obliged to guarantee and promote democracy" under international law.[84]

The ICCPR and the Universal Declaration of Human Rights require that restrictions on rights be justified as necessary in a "democratic society", making democracy a structural condition for the exercise of fundamental rights.

While there is no single model of democracy, UN resolutions and instruments adopted over time constitute an "actionable definition". Over the years, UN resolutions have re-affirmed the importance of democratic rights and the need to counter backsliding. These resolutions, reinforced at the UN General Assembly and Human Rights Council, have consistently emphasised the mutually reinforcing relationship between democracy, the rule of law, and human rights.[85]

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[82] Democracy Without Borders, "Civil Society and Experts Call for UN Special Rapporteur on Democracy as Global Democratic Decline Continues," 2025, available at https://www.democracywithoutborders.org/36396/the-un-cannot-continue-to-stand-by-as-democracy-retreats/

[83] See Cahill, M., Newman, D., & Ó Conaill, S., "Global Perspectives on Freedom of Association", *European Journal of Comparative Law and Governance*, vol. 12, no. 1-2, 2025, pp. 3-17, available at https://brill.com/view/journals/ejcl/12/1-2/article-p3_001.xml

[84] Inter-American Court of Human Rights, *Request for Advisory Opinion on Democracy and Political Rights*, SOC-1/2025, 2025, available at https://www.corteidh.or.cr/docs/opiniones/soc_1_2025_eng.pdf

[85] CIVICUS, Democracy and human rights debated at Oslo Freedom Forum side event, available at https://www.civicus.org/index.php/media-resources/news/7706-democracy-and-human-rights-debated-at-oslo-freedom-forum-side-event

A recent example is the recent Human Rights Council resolution on education for democracy calling for action to counter democratic backsliding. The 2025 Council resolution on civil society space recognised for the first time the impact of "foreign funding laws and measures to protect democratic institutions from covert political interference"[86] among the tools used to restrict civic space.

We urge the General Comment to articulate the rationale for protecting freedom of association for the sake of individuals, associations, and democracy. As a corollary, we also urge the Comment to stress that the freedom of association inherently includes the freedom not to associate, as under fundamental human rights principles and democratic principles individuals cannot be coerced to joining or remaining in any group.

## 11. Right to freedom of association and the enabling environment

Individuals and civic groups exercising this right should be able to operate freely without fear. Yet, CIVICUS Monitor consistently identifies the harassment of civil society activists as the single most prevalent tactic of repression globally.[87] Across all regions, governments continue to introduce laws and administrative restrictions that hinder civil society's ability to register, operate, receive funding, or engage in public life, while activists, human rights defenders and journalists face escalating harassment, intimidation, and reprisals. Increasingly, governments rely on judicial harassment, surveillance, smear campaigns, excessive use of force against peaceful protesters, and the criminalisation of dissent to silence critical voices and discourage civic participation. Together, these measures undermine the enabling environment necessary for the exercise of freedom of association.

Freedom of association must not be reduced to a right against interference: it requires States to sustain the conditions under which associational life is possible at all. The UN High Commissioner for Human Rights identified the following core components of a safe and enabling environment for civil society: a legal framework that complies with international standards and gives associations clear, protective rules and effective access to justice; a political climate in which authorities treat civil society as legitimate rather than suspect; access to the information that allows citizens to scrutinise public

[86] Human Rights Council, resolution 59/10, Civil society space, A/HRC/RES/59/10, adopted without a vote on 8 July 2025, available at https://docs.un.org/en/A/hrc/RES/59/10

[87] CIVICUS Monitor, *People Power Under Attack (2022–2025)*, "Tactics of Repression", available at https://monitor.civicus.org

action; genuine avenues for civil society to shape decisions that affect it; and sustained access to support and resources, from domestic and international sources alike.[88]

These components are interdependent: a protective law is not effective where officials publicly discredit the organisations it covers, and formal consultation is an empty exercise for associations starved of the resources to participate. The Human Rights Council reaffirmed this framework in its most recent resolution on civil society space, adopted by consensus.[89]

The General Comment should stress that the enabling for the exercise of the right to freedom of association includes safeguarding civil society from any threats, acts of intimidation or violence, including enforced or involuntary disappearances, arbitrary arrest or detention, torture or cruel, inhuman or degrading treatment or punishment, smear campaigns, travel bans or transnational repression, and reprisals for cooperation with the UN.

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***CIVICUS: World Alliance for Citizen Participation*** *is an international alliance dedicated to strengthening citizen action and civil society throughout the world, especially in areas where participatory democracy and citizens' freedom of association are threatened. Established in 1993 and originally based in Washington, DC, CIVICUS is now based in Johannesburg, South Africa. It is an ECOSOC-accredited organisation and has UN Hub in Geneva, Switzerland, for UN liaison activities, member engagement, and legal and policy advice.*

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[88] UN High Commissioner for Human Rights, *Practical recommendations for the creation and maintenance of a safe and enabling environment for civil society, based on good practices and lessons learned*, A/HRC/32/20, 11 April 2016, summary, available at https://ap.ohchr.org/documents/dpage_e.aspx?si=a/hrc/32/20

[89] Human Rights Council, resolution 59/10, *Civil society space*, A/HRC/RES/59/10, adopted without a vote on 8 July 2025, available at https://docs.un.org/en/A/hrc/RES/59/10