

Laws Regulating Foreign NGOs: Human Rights Implications

Testimony before the Tom Lantos Human Rights Commission

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Co-Chairmen McGovern and Smith and esteemed members of the Tom Lantos Human Rights Commission, thank you for organizing this important hearing. The U.S. government and the American people need to understand the dangerous global trend of state crackdowns on NGOs and how NGOs and civil society are responding to such repression. I appreciate the opportunity to testify before the Commission.

For over a decade, my research has focused on the causes and consequences of crackdowns on nonprofits and civil society organizations. I have found that as of the end of 2023, more than 130 countries have sought to restrict or repress NGOs through what I refer to as administrative crackdown — which is the use of law to create barriers to entry, funding, and advocacy for nonprofits and civil society organizations. One of the reasons these laws have increasingly proliferated around the world is that, unlike the open use of state violence, these laws are often framed as regulations, rather than restrictions or repression. As a result, political leaders are less likely to encounter domestic backlash in response to their passage. Unlike the use of violence, these laws also rarely elicit international condemnation or threats of withdrawal of aid or assistance.

Laws that restrict the ability of NGOs to acquire funds from abroad or engage in vaguely defined political activities have especially proliferated around the world. Over 100 countries have some form of prohibitions or restrictions against NGOs acquiring funding from abroad. For instance, last year, the nation of Georgia passed a law requiring NGOs to register as “pursuing the interests of a foreign power” if they received more than 20% of their funding from foreign sources. And then this year in April, the Georgian government introduced criminal penalties, including prison sentences, for organizations that refused to register as foreign agents.

Throughout the world, these laws have had a chilling effect on the operation of NGOs focusing on a variety of issues, including human rights, media freedom, political advocacy, promoting democracy, and even those providing developmental aid and services such as health and education to women and children. Many groups have shut down, others have downsized, and still others have gone virtual or adapted their missions. NGOs with limited resources and flexibility — those unable to find creative ways to work around repressive laws — often end up ceasing their

programs and many INGOs in this scenario end up leaving the country. For instance, the 2009 Ethiopian Charities and Societies Proclamation Act led to the closure of nearly 90 percent of the groups working on rights issues as most domestic human rights NGOs relied almost exclusively on foreign funds. In Bangladesh, NGOs with a broad mission ended up restricting themselves to service work and giving up on their advocacy work.

These laws have also had a chilling effect on donors. Official aid donors increasingly prefer less risky programming. Research shows that donors committed to political advocacy and democracy promotion reduce funding for advocacy programs by more than 70% in response to new restrictive NGO laws, and the reduction in aid persists for several years. To maintain access to target countries with restrictive laws, donors have increasingly tamed their programming, by avoiding contentious issues such as human rights, media freedom, and anti-corruption. Donors also protectively prioritize partnering with the United Nations or other international organizations. This means local grassroots NGOs, who have the most knowledge and best local networks to ensure effective programming, are left without support. These local groups may even be unable to turn to local philanthropists, who themselves may be deterred from donating to advocacy, media freedom, and anti-corruption initiatives due to a fear of retribution from a repressive government.

On a broader level, my research also shows that these restrictive laws can trigger worsening human rights repression. I find that the implementation of these laws — that is, not just having them on the books, but building or empowering an agency or ministry to start systematically implementing them — can predict state authorities' worsening respect for physical integrity rights (freedom from torture, arbitrary violence, and imprisonment) and civil liberties. Targeting these nonprofits thus may set the groundwork for increasing democratic erosion.

To address these growing challenges, especially in the face of many Western governments scaling back on official aid for NGOs, I offer the following policy recommendations for the U.S. government:

- ❖ Ensure adequate funding for besieged organizations
 - The United States should protect and restore funding for NGOs and activists confronting repressive laws. This effort should include prioritizing emergency funding that includes digital security training, legal and immigration assistance, and social and psychological support. The United States should also make resources on digital and physical safety widely accessible to at-risk activists, reaching beyond those living in cities or working for prominent organizations.
- ❖ Ensure consistent reporting in the State Department's Human Rights Reports.
 - There have been many differences across recent administrations in the State Department's Country Reports on Human Rights Practices. The most recent 2025

Human Rights Reports no longer feature sections on freedom of peaceful assembly, association, and freedom of movement. More importantly, the State Department also removed the section on government posture towards international and nongovernmental monitoring and investigation of retribution and abuses against human rights defenders. The lack of such consistent information will impede the creation of a robust response. Comprehensive reports, on the other hand, along with raising awareness of this issue, can also serve as important resources for immigration judges.

- ❖ Continue engagement with international institutions
 - Withdrawing from multilateral institutions such as the UN Human Rights Council cedes the agenda at these institutions to illiberal or undemocratic countries. These countries often threaten retaliation against human rights defenders and NGOs that provide important information to the UN Human Rights Council and help prepare recommendations to the Universal Periodic Review. Rejoining and continuing financial support will help advance instruments in multilateral forums that protect human rights defenders and NGOs.
- ❖ Model international protections for civil society and democracy by standing against U.S. federal or state bills that undermine the right to peaceful protest, expression, and assembly.
 - The U.N. Special Rapporteur on counterterrorism and human rights has highlighted how overly broad laws on nonprofits and terrorism have been used to target a wide range of civil society actors and criminalize peaceful activity in defense of minority, religious, labor, and political rights. Before enacting similar federal or state laws, federal and state legislators should use evidence and recommendations prepared by human rights treaty bodies, UN Special Procedures mechanisms, and the Financial Action Task Force.
- ❖ Engage the private sector
 - My research on crackdowns on human rights groups shows that governments are less likely to repress these groups if they receive large trade inflows into their country. The same governments that attack civic groups receiving foreign funding may also be actively encouraging foreign investment and foreign trade deals. Since many businesses also have a vested interest in protecting civic space and may be sensitive to negative publicity generated by poor conditions in their supply chains, the U.S. government and its allies may be able to utilize this leverage to pressure repressive governments to respect civic freedoms.