

Tom Lantos Human Rights Commission hearing on “Laws Regulating Foreign NGOs: Human Rights Implications.”

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Intro and summary

1. Honorable Co-Chairs, distinguished Members of Congress, esteemed colleagues, I am honored to appear before you today at the Tom Lantos Human Rights Commission hearing on “Laws Regulating Foreign NGOs: Human Rights Implications.” Thank you for convening this important discussion on the future of civic space and for the opportunity to share my perspective. As the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association, my mandate is to promote and protect these fundamental freedoms worldwide. I look forward to contributing to today’s dialogue and to working together in defense of civic space and the fundamental freedoms that sustain democratic societies.

Context

2. It is important to begin by underscoring that the adoption of laws —whether intentionally or not— that restrict the exercise of the right to freedom of assembly and of association and thus constrain the actions of civil society and social movements, including so-called “foreign agent” type laws, is part of a broader global trend. Over the past several years, these trends have severely impacted civic space. They are a troubling sign of democratic decline worldwide, often marked by the rise of authoritarianism, increased violence, armed conflicts, and the growing influence of criminal actors. These trends,¹ intensified during the ongoing 2023-2025 ‘super electoral cycle²,’ are reinforced by hostile narratives and anti-rights agendas. In many countries, such narratives are translated into restrictive laws and regulations targeting collective citizen action, including the ability of people to associate, advocate, and use peaceful protest to express dissent.
3. The combination of growing authoritarianism, the spread of hostile narratives, and anti-rights agendas constitutes one of the most harmful global trends limiting the exercise of fundamental freedoms. Around the world, democracy is in decline, accompanied by propaganda that portrays civil society organizations, social movements, and peaceful protesters as ‘spies’, ‘traitors’, ‘terrorist’, ‘extremists’, ‘enemies’, ‘threats to security’ or ‘enemies of the State’. These narratives stigmatize civic actors, destroy reputations, delegitimize their work, and undermine their access to funding. Stigmatization has a chilling effect, forcing many activists to withdraw and others to avoid associating. Such negative narratives are not accidental; they are often part of targeted political strategies designed to reduce public participation in civic and political life. Particularly concerning are the attacks, restrictions, and spread of hateful rhetoric, directed at groups already at heightened risk, including youth, LGBTQI+ persons, migrants and ethnic and religious minorities³.

¹ See Voule, Clément. “Preserving the gains and pushing back against the global attack on civic space and growing authoritarianism”. A/HRC/56/50. Report presented to the United Nations Human Rights Council on 27 June 2024. <https://www.ohchr.org/en/documents/thematic-reports/ahrc5650-preserving-gains-and-pushing-back-against-global-attack-civic>

² Romero, Gina. “Impact of the 2023–2025 “super election” cycle on the rights to freedom of peaceful assembly and of association”. A/HRC/59/44. Report presented to the United Nations Human Rights Council on 19 July 2025. <https://www.ohchr.org/en/documents/thematic-reports/ahrc5944-impact-2023-2025-super-election-cycle-rights-freedom-peaceful>

³ See Romero, Gina. “Protecting the rights to freedom of peaceful assembly and of association from stigmatization”.

4. The global crackdown on rights and freedoms is further aggravated by threats to international peace and security arising from escalating conflicts and wars. These include Russia's invasion of Ukraine, the Hamas attacks of October 7, 2023, and the ongoing genocide in Gaza, armed conflicts in Myanmar and Sudan, the resurgence of military coups in West Africa, and the growing reach of transnational criminal actors. These conflicts and crisis have a profound impact on the rights to freedom of peaceful assembly and of association. They have fueled the securitization of public debates and political agendas, underpinned by the misguided notion that there must be a trade-off between security and the protection of human rights. This is a false choice: genuine security cannot be achieved by undermining fundamental freedoms.
5. Another concerning global trend is the spread of laws and regulations that restrict the legitimate work of civil society. While these laws emerge in diverse contexts, they share common features:
 - a. They are often justified under the banners of national security, combating foreign influence and/or promoting financial transparency and accountability—frequently in connection with the fight against terrorism financing and/or money laundering. In many cases the adoption of these laws are justified by ensure transparency and accountability in the social sector, civil society and NGO, are misusing the international framework against financing terrorism and money laundry, including the Financial Action Task Force recommendations, specially recommendation 8 on civil society.
 - b. In some cases, these laws may be well-intentioned, seeking to address real and serious issues. However, they often are poorly designed, with little analysis of their impact on civil society and associations. Others are based on misperceptions, disinformation and stigmatization of the sector. In many cases, they adoption is deliberate targeting specific organizations—particularly those working on anti-corruption or human rights—and with the broader aim of suppressing dissent.
 - c. These measures are frequently adopted through expedited processes—sometimes justified by declarations of states of emergency or exception—that limit public debate. In other contexts, such as when institutional checks and balances are weak, they are passed without meaningful oversight. Too often, they are accompanied by smear campaigns and stigmatizing narratives propagated by senior government officials, legislators, and others in power.
 - d. They are commonly based on broad, ambiguous, or even erroneous definitions—for example of 'representation of interests,' 'lobbying,' 'terrorism,' or 'political participation.'
 - e. These frameworks tend to reinforce restrictive mechanisms: mandatory authorization for registration; excessive governmental control; provisions allowing dissolution of NGOs on vague grounds without judicial oversight or due process; restrictions on fundraising; and overburdensome reporting requirements.
6. Among the regulations harmful for civil society, the spread across all regions of so-called 'foreign agent'/foreign influence legislative initiatives and laws with similar effects, which introduce unnecessary, disproportionate and discriminatory obligations, restrictions or prohibitions on associations falling within the broad definition of 'foreign agent'/ 'foreign influence' (or the like).
 - a. As mentioned before, the authorities' justification for the introducing these laws initiatives are most of the time insufficient, not based on concrete, transparent or thorough risk assessment, fails to explain why such measures need to apply to associations and not to other entities, such

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<https://www.ohchr.org/en/documents/thematic-reports/a79263-protecting-rights-freedom-peaceful-assembly-and-association>

- as private entities; fail to explain why such laws are necessary and what specific gaps they seek to fill in the existing legal framework. Under the international human rights law standards, enhancing ‘transparency’, such as for tackling the threat of foreign interference, does not by itself constitute a legitimate aim allowing for restrictions of the right to freedom of association.
- b. These types of laws provide for punitive forms of liability, imprisonment of the associations’ representatives, and/or dissolution of the associations in case of violation
 - c. Civil society receiving foreign funding is required to register as foreign agents or foreign representatives and then face an atmosphere of hostility, fill with disinformation and smear campaigns.
 - d. When targeting associations based on the origin of their funding and their legal form, these laws become discriminatory. It is very worrisome that in most of the countries where they have been adopted with ill intent, the for-profit sector do not receive the same scrutiny, even though it has been proved in some contexts that the malign foreign influence and the financing of terrorism and money laundry are more linked to the for-profit sector than to the non-profit.
 - e. Most of these types of laws (although not all of them) impose obligations to associations receiving foreign funding to register, publicize, and to adopt labels insinuating that these associations pursue ‘foreign interest’. This is often applied to all type of associations, regardless of the size of their budgets or if there is a real risk. Once they are adopted, gvmts create of public lists of associations receiving foreign funding.
 - f. Besides, they impose excessive registering requirements. In many cases, these laws impose a process of approval for the receipt of foreign funds or other resources even in kind, that in most cases are then denied without adequate explanations, risking the survival of the organizations. Specially in contexts with very limited access of domestic funding especially for independent associations, an organization may need to choose between either refusing all foreign funding or being subject to new restrictions, obligations, and possible dissolution, besides stigmatization.
7. The restrictive “Foreign Agent” and similar laws, as mentioned, have several impacts in the exercise of rights and freedoms⁴:
- a. These laws disproportionately and indirectly discriminate against certain categories of associations, particularly those promoting human rights, democratic values, and accountability. Civil society organizations and activists engaged in legitimate advocacy and participation in public affairs are frequently labeled as “traitors” or “unpatriotic.” Such stigmatization vilifies and discredits their work, weakening civic trust and eroding their ability to operate.
 - b. The adoption and implementation of these laws has fueled a rise in attacks, intimidation, and criminalization of human rights defenders, protesters, journalists, and others perceived as dissenting voices.
 - c. Of particular concern are the harmful discourses and populist narratives that accompany these legislative initiatives. Anti-civil society rhetoric, including accusations of foreign interference, often serves as a political tool to suppress the exercise of rights, polarize societies, and undermine democracy. These narratives create a chilling effect, discouraging public engagement and silencing voices on sensitive issues such as gender equality and sexual and reproductive rights, out of fear of vilification and attack.
 - d. In some contexts, the consequences have been even more severe.

⁴ “Joint Declaration on Protecting the right to freedom of association in light of “Foreign Agents”/ “Foreign Influence” Laws”, adopted by regional, and intergovernmental human rights bodies — including the UN Special Rapporteur from the rights to freedom of assembly and of association, rapporteurs and commissioners of the IACHR, ACHPR, AICHR, and OSCE-ODIHR. Adopt, on 13 September 2024.

<https://www.ohchr.org/sites/default/files/documents/issues/association/statements/2024-09-13-statement-sr-foaa.pdf>

- i. In Russia the draconian ‘foreign agent’ legislation, has led to the closure of prominent NGOs and criminalization of activists allegedly failing to comply. In Nicaragua, over 150 organizations were deregistered for alleged noncompliance with the Law on Foreign Agents. In Georgia several NGOs had face persecution, raids on their offices, and freezing of accounts.
 - ii. In different contexts, surveillance against civil society, social movements and in general against activism has increased, as well as the criminalization of their action in relation to the restrictive legislation and the results of the indiscriminate surveillance. In countries such as **Venezuela**, civil society representatives are in jail accused of being foreign agents.
 - iii. A significant number of activists and journalists have been forced into exile to escape criminalization, reprisals, or dissolution orders directed at their organizations. Once abroad, many depend on foreign funding to continue their human rights work, which leaves them automatically exposed to further stigmatization and restrictive “foreign agent” labelling.
 - e. These laws, its adoption and implementation, foster an overall climate of mistrust, fear, and hostility towards civil society. This not only endangers activists and independent media workers, but also threatens their families, colleagues, and the communities they serve. The cumulative effect is to jeopardize the very functioning and existence of associations, weakening human rights protection and undermining democratic resilience.
8. One extreme case in which an adoption of foreign agents laws was not needed to restrict the receipt of foreign funding. Is the case of Cuba that has entrenched a restrictive legal framework that criminalizes the reception of foreign funds, leaving independent civil society in a constant state of vulnerability. The 2022 reform of the Penal Code, through Article 143, explicitly equates the receipt of foreign financing with threats to State security, imposing prison sentences of 4 to 10 years and reviving the long-standing accusations of ‘mercenarism’ against activists. This restrictive design is reinforced by the Law of Associations, which denies legal personality to organizations not subordinated to the State, making it impossible for them to access resources lawfully.
 9. It is important to note that the trend of stigmatizing and persecuting NGOs and other associations based on the origin of their funding—and the adoption of new “foreign agent” laws, or the strengthening of existing proposals such as in Republika Srpska—has intensified and radicalized following recent policy shifts by the United States. In February of this year, the U.S. Government decided to freeze development assistance, issued stop-work orders, and subsequently closed or scaled down USAID and other internal cooperation offices, including the Bureau of Democracy, Human Rights, and Labor (DRL) at the State Department. These actions were exploited abroad and used to increase restrictions. For example, in Serbia, NGOs were raided under the pretext that even the President of the United States had expressed doubts about the transparency of how funds were used and about the nature of foreign influence in recipient countries.
 10. It is also important to clarify several misconceptions regarding the freedom of access to resources, the functioning of the civil society sector, and the receipt of foreign funding in general.
 - a. Access to resources is too often viewed as an aspirational ideal rather than as a freedom. But, in fact, it is an essential component of the right to freedom of association and is also linked to other fundamental rights, such as freedom of religion or belief and the right to defend human rights. This principle is firmly established in international standards, including the *Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief* (General Assembly Resolution 36/55 of 1981), the *Declaration on Human Rights Defenders* (General Assembly Resolution 53/144 of 1998), multiple Human Rights Council resolutions, decisions of regional multilateral bodies such as the OAS, and numerous reports and resolutions

from regional human rights mechanisms, including the Inter-American and African systems. Both my own reports and those of my predecessors have consistently affirmed this: access to resources—including funding—is fundamental for the exercise of enabling rights such as freedom of assembly and association.

- b. It is undeniable that governments face serious challenges today, including criminality, insecurity, and the spread of disinformation. These require robust responses. However, there is a growing tendency to assume that advancing security, tackling organized crime, and addressing abuses by certain actors—legal or illegal—can only be achieved by restricting rights and freedoms. This creates a false trade-off between security and rights, when in fact effective security must go hand in hand with respect for fundamental freedoms.
- c. Transparency and accountability in the civil society sector are both necessary and beneficial. The problem arises when transparency frameworks are promoted not as genuine governance improvements but as tools to restrict or dismantle specific organizations perceived as “oppositional” because of their work on the rule of law, anti-corruption, or human rights. In some cases, such as Paraguay, Perú, Georgia, the bad faith is evident. In others, well-intentioned initiatives fail because they do not adequately consider the impact of new requirements on freedom of association. They also typically lack:
 - i. A critical analysis of why existing accountability frameworks are perceived as insufficient. In every country I have studied, multiple mechanisms of oversight already exist, yet no evaluation is conducted to justify new restrictions.
 - ii. Broad, inclusive, and diverse consultation processes with civil society actors that would allow for awareness-raising, co-design, and the gradual development of effective accountability frameworks.
 - iii. Civil society is not perfect, and it is not free of risks. However, in general, organizations and activists are willing to strengthen their accountability and transparency practices—provided these are not used as facades for surveillance or as tools to control their operations and restrict their actions. Likewise, the international cooperation sector is not without flaws. The current crisis in development financing has clearly exposed issues such as over-dependence on external aid. Yet, addressing imperfections in either sector through extreme control and absolute regulation is neither appropriate nor justifiable. Such measures cause far greater harm than any potential benefit they might achieve.

Acknowledging that promoting transparency in general is a commendable goal, aimed at fulfilling accountability, good governance and the public’s right to be informed and countering possible illegitimate interferences, and that there may be circumstances where enhanced transparency measures are necessary to pursue legitimate aims, however stressing that since such laws fail to meet the requirements of international human rights law and standards⁵ and risk causing a disproportionate and stigmatizing impacts on associations, hence they are bound to have the opposite, undesired effect of reducing the ability of civil society associations to play their vital role in ensuring transparency and democracy.

⁵ A list of standards and recommendations are included in the joint statement mentioned above.