# Legal Barriers and the Criminalization of Freedom of Association

*A Comparative Study of Eight Countries and an Advocacy Strategy*

Freedom of association is among the first rights an authoritarian regime dismantles, and in recent years that dismantling has increasingly been carried out through legislation. **This study compares the legal architecture that restricts the right of association in Cuba, Nicaragua, Russia, Venezuela, Georgia, El Salvador, Kazakhstan and Peru**, and measures it with the Global Association Index (IGA), an original instrument that scores the degree of restriction from 0 to 100 on the basis of the law in force and its application. Each score rests on the legal text cited by article and on at least one source documenting practice.

## KEY FIGURES

**270+**
legal initiatives restricting civil society in 72 countries between 2019 and 2024, according to ICNL

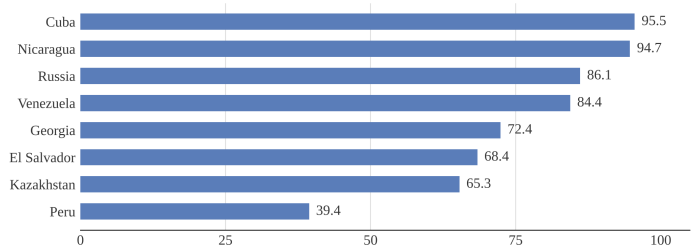
**8**
countries compared through 44 indicators grouped in 13 dimensions

**95.5**
Cuba's IGA score out of 100, the highest in the sample, followed by Nicaragua at 94.7

**7 of 8**
countries prosecute unauthorized association, the receipt of funds or criticism as criminal offences

**45 years**
maximum prison term among the offences examined, provided for in El Salvador

## RESULTS BY COUNTRY




Global Association Index (0–100). Higher values indicate greater restriction.

| | | |
|---|---|---|
| 76–100 | **Total repression** | Cuba, Nicaragua, Russia, Venezuela |
| 51–75 | **Severe restrictions** | Georgia, El Salvador, Kazakhstan |
| 26–50 | **Moderate restrictions** | Peru |
| 0–25 | **Broad openness** | No country in the sample |

**Cuba and Nicaragua** stand at the far end of the scale, where the State has eliminated independent organization in law or in fact.

**Russia and Venezuela** reach the same band by different routes, the former through the "foreign agent" model it introduced in 2012 and the latter through the accumulation of laws on sovereignty, hatred, counter-terrorism and the control of NGOs.

**Georgia, El Salvador and Kazakhstan** reproduce variants of that model through the staged transplant of the Russian scheme, a 30 per cent tax on foreign funds and a public register of foreign funding.

**Peru** shows moderate restrictions and demonstrates that a formally democratic Congress can turn a cooperation agency into a licensing and sanctioning authority.

## FIVE COMMON PATTERNS

1. **Funding as the point of attack.** In all eight jurisdictions access to foreign resources is the preferred target, with variants that range from criminalization to taxation, labelling, prior authorization and public registers.
2. **The spread of the Russian model and its mutation.** The 2012 version required foreign funds and "political activity". Russia dropped the funding requirement in 2022, and Georgia covered in two years the ground that took Moscow a decade.
3. **From administrative to criminal law.** Unauthorized association, the receipt of funds or criticism are prosecuted under broadly worded offences carrying sentences of twenty, thirty or more years.
4. **The hollowing out of judicial review.** Dissolution is decided by ministerial order, by registers answerable to the executive or by courts lacking independence. Only Peru retains an operative constitutional ban on administrative dissolution.
5. **The financial layer of restriction.** The lists, asset freezes and registers of "reporting entities" that belong to anti-money-laundering and counter-terrorism rules are used against human rights organizations, contrary to FATF Recommendation 8.

## THE TRAJECTORY OF CLOSURE

Entry is conditioned through prior authorization or registers that work as a trap › Money is labelled, taxed or made subject to government consent › Non-compliance moves from the administrative file to the Criminal Code › The organization is dissolved or cancelled without a judge › Stigmatization and exile extend the punishment beyond the borders

## WHERE RESTRICTION IS CONCENTRATED

| | D1 | D2 | D3 | D4 | D5 | D6 | D7 | D8 | D9 | D10 | D11 | D12 | D13 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Cuba | 3.67 | 3.75 | 3.33 | 4.00 | 4.00 | 4.00 | 4.00 | 4.00 | 3.50 | 4.00 | 3.00 | 4.00 | 3.67 |
| Nicaragua | 3.67 | 3.50 | 3.67 | 3.75 | 4.00 | 4.00 | 4.00 | 4.00 | 3.50 | 4.00 | 3.00 | 4.00 | 3.33 |
| Russia | 2.67 | 2.50 | 2.67 | 3.50 | 3.67 | 3.67 | 4.00 | 4.00 | 3.50 | 4.00 | 2.67 | 3.67 | 3.67 |
| Venezuela | 3.00 | 3.25 | 3.00 | 3.25 | 3.33 | 3.67 | 4.00 | 3.00 | 3.25 | 4.00 | 2.33 | 4.00 | 3.00 |
| Georgia | 2.00 | 1.75 | 2.33 | 3.50 | 3.00 | 3.67 | 3.75 | 3.00 | 2.50 | 3.25 | 1.67 | 2.67 | 2.33 |
| El Salvador | 2.33 | 2.75 | 2.67 | 2.75 | 2.67 | 2.33 | 3.25 | 3.00 | 2.00 | 3.00 | 3.00 | 3.00 | 2.33 |
| Kazakhstan | 2.33 | 2.25 | 2.00 | 2.50 | 2.67 | 3.00 | 3.00 | 3.00 | 2.75 | 3.00 | 1.00 | 3.00 | 2.00 |
| Peru | 1.33 | 1.50 | 1.33 | 1.50 | 2.00 | 2.33 | 1.75 | 1.33 | 1.00 | 2.00 | 1.00 | 1.67 | 1.00 |

Intensity of restriction by country and dimension (0–4). D4 funding, D7 sanctions, D8 dissolution, D10 stigmatization.

The eight countries converge most closely on funding, sanctions and stigmatization, which places money, punishment and discourse at the shared core of the model.

The widest divergence appears in registration and taxation. Cuba and Nicaragua control entry into civic space, while Georgia, Kazakhstan and Peru keep registers that are quick and formally open. The point at which restriction enters varies from one country to another, but the direction it takes is the same.

**Cuba in comparative perspective.** Seen in isolation, the 1985 Law on Associations looks like a relic. Seen alongside the laws passed between 2020 and 2026 in the other countries, it is the finished model towards which those laws are moving. Cuba never needed a foreign agent law because prior authorization, the monopoly of the mass organizations and the Criminal Code make the label unnecessary. The comparison sets the minimum standards to be required of the announced Law on Associative Forms, namely a notification regime, the removal of the "identical or similar objectives" criterion, a public register, dissolution by court order alone and the decriminalization of access to resources.

## PRIORITY RECOMMENDATIONS

### To the States studied

Repeal foreign agent laws and their functional equivalents, replace prior authorization with notification, ensure that dissolution is ordered by the courts alone, and decriminalize access to resources and the exercise of the right of association.

### To the European Union

Bring these standards into the human rights dialogue of the Political Dialogue and Cooperation Agreement with Cuba, keep the response given to Georgia consistent with that applied to the other countries, and secure flexible, multi-year funding for civil society in exile.

### To the OAS, the IACHR and the Inter-American Court

Prepare a thematic report on foreign agent laws and funding controls in the Americas, and extend provisional measures to the organizations that represent victims before the system.

### To the United Nations system

Follow up country by country on the 2024 Joint Declaration, including Cuba and Kazakhstan, and refer to the FATF the documented cases of misuse of Recommendation 8.

### To donors and the philanthropic community

Fund civil society in exile as a strategy and not as an exception, create a strategic litigation fund and sustain presence in the countries where these laws are advancing.

### To civil society

Build an early warning system that acts before bills reach the floor, document every refusal, freeze and cancellation with the precision that international courts require, and use the comparison between countries as an argument.

## ADVOCACY CALENDAR

**23 NOVEMBER 2026**
Publication of the study, the executive summary and the policy notes.

**10 DECEMBER 2026**
Public presentation in Miami, at Florida International University.

**JANUARY AND FEBRUARY 2027**
Briefings in Washington and Brussels and revised edition.

Full study at www.ciudadaniaylibertad.org · carolina.barrero@ciudadaniaylibertad.org. Ciudadanía y Libertad is a Cuban civil society organization founded in April 2022 to defend the freedoms of association, peaceful assembly and political participation.